

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
June 11, 2013	

To: **Board of Supervisors**

Date: June 4, 2013

From: Diane Blanc, Human Resource Director
(Department Head - please type)

Phone Ext. _____

Department Head Signature _____

Agenda Title: Human Resources

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to selection of a County of Amador 457(b) Plan provider. (continued from May 28, 2013)

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____

Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
Committee Review? N/A <input type="checkbox"/> Name _____ Committee Recommendation: _____	

Request Reviewed by:

Chairman RWP Counsel GO

Auditor EDJ GSA Director HOP

CAO [Signature] Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 6

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk

Save

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: May 16, 2013

From: Tracey Towner, Executive Director, ACRA
(Department Head - please type)

Phone Ext. 379

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>6-11-13</u>	

Department Head Signature _____

Agenda Title: Second Amendment to JPA

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 At their regular meeting on May 8th 2013, the Amador County Recreation Agency Board of Directors adopted the following language amending the Joint Powers Authority that comprises ACRA.
 It is now the second amendment, and the new date will read May 8th 2013.
 County Service Area No. 3 [Lake Camanche] (CSA 3). was removed.
 Section 3.1: The governing board now consists of nine (9) not ten (10) members. Striking the second to the last sentence, which designated the appointment process of the representative for CSA 3.
 Section 3.6 Establishes the quorum at five (5) not six (6).
 Section 4.5 Changed the word 'shall' to 'may'.
 Section 6.3 This section was removed.
 Section 7.2 Clearly defines the disposition of all of ACRA's assets, should this agreement be terminated.

Recommendation/Requested Action:
Approve

Fiscal Impacts (attach budget transfer form if appropriate) none Staffing Impacts _____

Is a 4/5ths vote required? Yes No

Committee Review? N/A <input type="checkbox"/> Name _____ Committee Recommendation: _____	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
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Request Reviewed by:

Chairman [Signature] Counsel GC
 Auditor [Signature] GSA Director [Signature]
 CAO [Signature] Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 7

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk

Save

Memo

To: Amador County Board of Supervisors
From: Tracey Towner
Date: 5/30/2013
Re: Second Amendment to the Joint Powers Authority that forms ACRA

Second Amendment to the Joint Powers Authority

At their regular meeting on May 8th 2013, the Amador County Recreation Agency Board of Directors adopted the following language amending the Joint Powers Authority that comprises ACRA.

- It is now the second amendment, and the new date will read May 8th 2013.
- County Service Area No. 3 [Lake Camanche] CSA 3 was removed from the first paragraph.
- Section 3.1: The governing board will now be comprised of nine (9) members; previously the board consisted of ten (10) members. Strike the second to last sentence in this paragraph, which designated the appointment process of the representative for CSA 3.
- Section 3.6 Establishes the quorum at five (5) board members; previously the quorum was six (6) board members.
- Section 4.5 Changes the word 'shall' to 'may'.
- Section 6.3 This section was removed.
- Section 7.2 Clearly defines the disposition of all of ACRA's assets, should this agreement be terminated.

It is necessary for the Amador County Board of Supervisors to accept these changes, along with all boards and councils that comprise this JPA.

AN AGREEMENT AMENDING THE AGREEMENT CREATING A JOINT EXERCISE OF
POWERS AUTHORITY FOR THE PURPOSE OF PLANNING AND OPERATING A
COUNTY-WIDE RECREATION AGENCY

THIS SECOND AMENDED AGREEMENT (“Agreement”) is entered into this 8th day of May, 2013 by and among the County of Amador, the cities of Amador City, Jackson, Ione, Plymouth, and Sutter Creek, the Volcano Community Services District, and the Amador County Unified School District.

WHEREAS, the parties hereto are public entities located in Amador County (“Members”). The Members individually and jointly have the power to enter into this Agreement, participate in the Joint Powers Authority created hereby, and through such Joint Powers Authority plan and operate a County-wide recreation agency as set forth herein; and

WHEREAS, the Members have the need to plan and operate a County-wide recreation agency so as to coordinate, finance, acquire property for, and operate such an agency and intend to do so through the Joint Powers Authority.

ARTICLE I - AUTHORITY

Section 1.1 Creation of Authority. Pursuant to Articles I and II (commencing with Section 6500) of Chapter 5, Division 7, of Title I of the California Government Code (hereinafter referred to as the Act), there was created by a prior Joint Powers Agreement a public entity known as the “Amador County Recreation Agency” (“ACRA”). ACRA is a public entity separate and apart from the Members and shall administer this Agreement.

ARTICLE II - PURPOSE

Section 2.1 Purpose. The purpose of this Agreement shall be to amend the existing Joint Powers Agreement establishing ACRA. ACRA shall have as a specific purpose the planning, financing, and operation of recreation programs and facilities in Amador County benefiting the Members and all areas of Amador County. The goal is to maximize recreation opportunities for all the people in all the areas of Amador County. This Agreement amends and supercedes the prior Agreement, which created ACRA and, as amended hereby, continues the existence, work, and operations of ACRA.

ARTICLE III - GOVERNING BOARD

Section 3.1 Governing Board. The Authority shall be governed by a Governing Board which shall consist of nine (9) directors. Two (2) directors shall be members of and appointed by the Board of Supervisors to represent Amador County. One (1) director shall be a member of and appointed by the Board of Trustees of the Amador County Unified School District. Five (5) directors shall be members of and appointed by each of the Member cities' city councils. One (1) director shall be appointed by the Volcano Community Services District but need not be a member of the governing board thereof. All voting power of ACRA shall reside in the Governing Board.

Section 3.2 Directors Terms. Each director shall serve at the pleasure of the appointing body. Vacancies on the Governing Board shall be filled by the appointing body.

Section 3.3 Compensation. The directors of the Governing Board shall not receive compensation from ACRA but may receive reimbursement for actual expenses for travel and other incidental expenses as may be authorized from time to time by said Governing Board.

Section 3.4 Regular Meetings. The Governing Board shall provide for the time and place of its regular meetings; provided, however, that at least one regular meeting shall be held each month. The date, hour, and place of the holding of regular meetings shall be fixed by resolution of the Governing Board and a copy of such resolution shall be filed with each Member.

Section 3.5 Minutes. The Secretary of the Authority shall keep minutes of the meetings of the Governing Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each director and to each Member.

Section 3.6 Quorum. A majority of six (5) directors of the Governing Board shall constitute a quorum for the transaction of business. The affirmative vote of a majority of all directors shall be necessary for the approval of any action of the Governing Board.

Section 3.7 Rules. The Governing Board may adopt from time to time such rules and regulations for the conduct of its meetings and affairs as are necessary for the purposes thereof.

Section 3.8 Governing Board and Authority Expansion. Subject to Section 8.3, the Governing Board shall review and recommend to the Members expansion of the Governing Board and/or the Authority's membership once annually, at its March meeting.

ARTICLE IV - OFFICERS, EMPLOYEES, AND ADVISORY BODIES

Section 4.1 Chair, Vice-Chair, and Secretary. At the beginning of each calendar year, the Governing Board shall elect a Chair and Vice Chair and shall appoint a Secretary who may but need not be a director. The Chair and Vice Chair shall be from different Members. The officers shall perform the duties normal to said offices; and

(a) The Chair shall sign all contracts on behalf of ACRA and perform such other duties as may be imposed by the Governing Board; and

(b) The Vice Chair shall act, sign contracts and perform all the Chair's duties in the absence of the Chair; and

(c) The Secretary shall countersign all contracts on behalf of ACRA, perform such other duties as may be imposed by the Governing Board, and cause a copy of this Agreement to be filed with the Secretary of State pursuant to the provisions of California Government Code Section 6503.5.

Section 4.2 Treasurer and Auditor-Controller. The Treasurer-Tax Collector of Amador County is hereby designated as the Treasurer of ACRA and as the depository to have custody of all of the money of ACRA from whatever source. The Auditor-Controller of Amador County is hereby designated as the Auditor-Controller of ACRA. The Treasurer and the Auditor-Controller shall have the duties and obligations set forth in Government Code Sections 6505 and 6505.5 and shall assure that there shall be strict accountability of all Authority funds and shall report all receipts and disbursements of ACRA.

Section 4.3 Legal Advisor. The County Counsel of Amador County is hereby designated as the legal advisor to ACRA.

Section 4.4 Executive Officer. The Governing Board shall appoint an Executive Officer to administer ACRA. The Executive Officer shall serve at the pleasure of the Governing Board. The Executive Officer shall perform such administration and related duties as may be imposed on him/her by the Governing Board. In the absence of any counter-direction from the Governing Board, the Executive Officer shall be responsible for the management and control of ACRA and the direction of ACRA employees.

Section 4.5 Advisory Team. The Governing Board may appoint an ACRA Advisory Team. The Advisory Team shall be comprised of those people in the private or public sector of Amador County who have an interest in recreation, either as users or as providers. In its appointment of the Advisory Team, the Governing Board shall use its best efforts to appoint a member or members from each of the following areas: Pioneer, Pine Grove, Volcano, Buckhorn, River Pines, Fiddletown, Camanche, Ione, Plymouth, Sutter Creek, Jackson, Amador City, and Drytown. The Advisory team shall provide advice and recommendations to the Governing Board regarding sites, programs, staffing, transportation, and other elements of providing and using recreation facilities and programs. It is the intent of this provision that the widest range of recreation users/consumers in Amador County have access to and representation on the Advisory Team.

Section 4.6 Ralph M. Brown Act. All meetings of the Governing Board, Advisory Team, and any other advisory or standing committees shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code).

Section 4.7 Charges For Services. The Board of Supervisors of Amador County shall

determine charges to be made against ACRA for the services of the Treasurer-Tax Collector, Auditor-Controller, County Counsel, and other County costs of administering ACRA, such charges not to exceed the actual costs to the County incurred in providing for such services. The charges shall be subject to approval by the Governing Board.

Section 4.8 Bonding Persons Having Access To Property. From time to time, the Governing Board shall designate the public officers or persons, in addition or as alternatives to the Treasurer and Auditor-Controller, having charge of handling or having access to any property of ACRA and the respective amounts of the official bonds of the Treasurer and Auditor-Controller and such other persons pursuant to Section 6505.1 of the Act.

Section 4.9 Changing Officers and Team Members. The Governing Board may change the Treasurer, Auditor-Controller, legal advisor, and Advisory Team at any time.

Section 4.10 Other Employees. The Governing Board shall have the power to appoint and employ such other officers, employees, consultants, advisors, and independent contractors as may be necessary for ACRA's purposes.

Section 4.11 Contract Employees. ACRA may contract with any Member, entity, or person to provide employees or services necessary to operate ACRA.

ARTICLE V - POWERS

Section 5.1 General Powers. ACRA, as created by this Agreement, shall exercise in the manner hereafter provided the powers, and only the powers, of providing public recreation common to all of the Members and necessary to the accomplishment of the purposes of the Agreement. ACRA shall have the power to plan, finance, acquire, construct, manage, and operate recreation programs and facilities in Amador County.

Section 5.2 Specific Powers. ACRA is hereby authorized in its own name to do all the acts necessary for the exercise of the foregoing general powers to further the purposes of this Agreement, including, but not limited to, any or all of the following:

- (a) to make and enter into contracts;
- (b) to employ agents or employees;
- (c) to acquire, dispose of, construct, manage, maintain or operate any real or personal property, or improvements;
- (d) to sue and be sued in its own name;
- (e) to incur debts, liabilities or obligations;
- (f) to apply for, accept, receive, and disburse grants, loans and other aid from any agency of the United States of America or the State of California;
- (g) to invest any money in the treasury pursuant to Government Code Section 6505.5 that is not required for the immediate necessities of ACRA as the Governing Board determines is advisable in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code;
- (h) to make rules and regulations appropriate to ACRA's operation; and

(i) to carry out and enforce all of the provisions of this Agreement.

Section 5.3 Liability of ACRA Not the Liability of Members. The debts, liabilities, contracts, and obligations of ACRA shall be the debts, liabilities, contracts, and obligations of ACRA only and not of any Member.

ARTICLE VI - COSTS

Section 6.1 Annual Budget. The Governing Board shall annually adopt a budget for ACRA prior to July 1 of each fiscal year, which shall begin on July 1. Amador County shall fund the administrative expenses of ACRA for its first fiscal year provided that its Board of Supervisors approves those expenses in the County's 2003-2004 budget.

Section 6.2 Records of Accounts. ACRA shall cause to be kept accurate and correct books of account, showing in detail the costs of administration, maintaining capital reserves, operation and maintenance, and all financial transactions of ACRA. Said books of account shall be open to inspection at all times by any representative of any of the Members, or by any accountant or other person authorized by any Member to inspect said books of account.

Section 6.3 Allocation of Expenses. During fiscal year 2003-2004, ACRA's Members shall amend this Agreement to set forth a method of allocating ACRA's expenses among the Members.

ARTICLE VII - TERMINATION

Section 7.1 Term. This Agreement shall be effective on the date of its execution by the last of the Members and shall be effective on said date and shall continue until terminated by a majority of the Members.

Section 7.2 Disposition of Assets. Upon the termination of this Agreement, and after payment of all liabilities, costs, expenses, and charges validly incurred under this Agreement, all surplus money of ACRA shall be returned in proportion to the funds furnished by the respective Members. Distribution of personal property assets of ACRA may be made in kind, or the assets may be distributed to Members in the same manner as any cash. To the extent feasible, any real property of owned by ACRA shall be distributed to Members in a manner that will best ensure that the recreational activities associated with these properties remain available to the residents of Amador County. Prior to, or upon termination of this Agreement, Members shall meet and confer in good faith regarding the proper disposition of any real property owned by ACRA consistent with the provisions of this Section.

ARTICLE VIII - MISCELLANEOUS PROVISIONS

Section 8.1 Notices. Notices hereunder shall be deemed sufficient if delivered to:

County of Amador
County Administrative Officer

810 Court Street
Jackson, CA 95642

Amador County Unified School District
District Superintendent
217 Rex Ave.
Jackson, CA 95642

City of Amador City
City Clerk
P.O. Box 200
Amador City, CA 95601

City of Jackson
City Manager
33 Broadway
Jackson, CA 95642

City of Sutter Creek
City Manager
P.O. Box 366
Sutter Creek, CA 95685

City of Ione
City Manager
P.O. Box 398
Ione, CA 95640

City of Plymouth
City Manager
P.O. Box 429
Plymouth, Ca 95669

Volcano Community Services District
Clerk
P.O. Box 72
Volcano, CA 95689

Section 8.2 Termination of Participation by Members. At any time during the term hereof, any Member or Members may terminate their participation in ACRA by giving 60 days' written notice thereof to ACRA and to the other Members. ACRA shall continue unless a

majority of the Members forming ACRA have terminated their participation as set forth in Section 9.1 hereof.

Section 8.3 Addition of Members. Additional public entities within Amador County may be added by amendment to this Agreement approved by a majority of the Members hereof acting through their legislative bodies; provided, however, that any new Member shall have the power to provide public recreation services; and provided further that the number of directors shall not change unless also approved by a majority of the Members.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first written above.

COUNTY OF AMADOR

By: _____
Chairman, Board of Supervisors

Dated: _____

ATTEST:

By: _____
Jennifer Burns
County Clerk of the Board
Amador County

Dated: _____

APPROVED AS TO FORM:

By: _____
County Counsel

Dated: _____

AMADOR COUNTY UNIFIED SCHOOL DISTRICT

By: _____
Superintendent of Schools

Dated: _____

ATTEST:

By: _____
Clerk

Dated: _____

APPROVED AS TO FORM:

By: _____
District Counsel

Dated: _____

CITY OF JACKSON

By: _____

Dated: _____

By: _____
City Clerk

Dated: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Dated: _____

CITY OF SUTTER CREEK

By: _____

Dated: _____

By: _____
City Clerk

Dated: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Dated: _____

CITY OF IONE

By: _____

Dated: _____

By: _____
City Clerk

Dated: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Dated: _____

CITY OF AMADOR CITY

By: _____

Dated: _____

By: _____
City Clerk

Dated: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Dated: _____

CITY OF PLYMOUTH

By: _____

Dated: _____

By: _____
City Clerk

Dated: _____

APPROVED AS TO FORM:

By: _____
City Attorney

Dated: _____

VOLCANO COMMUNITY SERVICES DISTRICT

By: _____

Dated: _____

By: _____
Clerk

Dated: _____

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
June 11, 2013	

To: Board of Supervisors
 Date: June 5, 2013

From: Aaron Brusatori, CDA Director Phone Ext. 238
 (Department Head - please type)

Department Head Signature *Aaron Brusatori*

Agenda Title: 2013 Refuse Rate Adjustments for ACES Waste Services Inc.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

On May 20, 2013, the Board's Administrative Committee directed staff to bring this item to the full Board with the recommendation of implementing the refuse rate adjustments as indicated in the R3 Consulting Group Inc. letter report; to include rate reductions in all three franchise areas and the Buena Vista Transfer Station.

Recommendation/Requested Action:

Approve Refuse Rate adjustments

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

None

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A

Resolution Attached: Yes No N/A

Ordinance Attached: Yes No N/A

Committee Review? N/A

Name Administrative Committee

Comments: _____

Committee Recommendation:
Approve rate adjustments

Request Reviewed by:

Chairman *RWA*

Counsel *GS*

Auditor *EGJ*

GSA Director *HOP*

CAO *ab*

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Waste Management

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 8

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____


Distributed on _____	A new ATF is required from _____ Department _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk



**AMADOR COUNTY
COMMUNITY DEVELOPMENT AGENCY
Waste Management & Recycling Department**

MEMORANDUM

To: Board of Supervisors

FROM: Jim McHargue, REHS, Solid Waste Program Manager 

CC: Aaron Brusatori, P.E., Community Development Agency Director

DATE: June 5, 2013

RE: **2013 Refuse Rate Adjustments – Rate Year 6**

On May 20, 2013, the Board's Administrative Committee recommended the refuse rate adjustments as indicated in the R3 Consulting Group Inc. Report be applied this year, including rate reductions in Franchise Areas 1, 2, 3 & BVTS. (Attachment A) The 2013 rate adjustments are as follows:

FA 1: -1.65% FA 2: -1.31% FA 3: -2.30% PGTS: +0.13% BVTS: -1.40%

The County of Amador utilizes a refuse rate setting tool known as the Rate Adjustment Methodology (RAM) which was approved by the Board in December 2008. (Attachment B) Last year (2012) a detailed rate review was performed and refuse rates were set based upon actual expense and revenue information provided by ACES Waste Services Inc.

This year (2013) the RAM reverts to an index-based adjustment mechanism known as the Refuse Rate Index (RRI). The RRI consists of 5 separate indices which best capture the costs associated with the waste hauling business. The indices include: labor, diesel fuel, industrial vehicle replacement, industrial vehicle maintenance and CPI (all urban customers); as well as an adjustment for landfill disposal costs based upon projected changes in landfill tipping fees.

During the two Administrative Committee meetings (May 6th and May 20th) there were questions regarding the labor index and what specifically comprises the labor index. The labor index is the US Department of Labor, Bureau of Labor Statistics, Employment Cost Index (ECI).

The following is an excerpt from the Department's website:

"The ECI calculates indexes of total compensation, wages and salaries, and benefits separately for all civilian workers in the United States, for private industry workers, and for workers in State and local government...Employer costs for employee benefits are collected for paid leave- vacations, holidays, sick leave, and personal leave; supplemental pay- premium pay for work in addition to the regular work schedule (such as overtime, weekends, and holidays) and for shift differentials and nonproduction bonuses (such as yearend, referral, and attendance bonuses); insurance benefits- life, health, short-term disability, and long-term disability insurance; retirement and savings benefits- defined benefit and defined contribution plans; and legally required benefits- Social Security, Medicare, Federal and State unemployment insurance, and workers' compensation."

Additional information on the five RRI indices is provided in Attachment C.

BOS

Page | 2

5-Jun-13

Upon approval by the full Board of Supervisors, the rate reductions in Franchise Areas 1, 2, 3 & BVTS; and the rate increase at PGTS will be effective July 1, 2013.

Attachments:

- A - Letter Report Dated May 23, 2013
- B - Rate Adjustment Methodology (RAM)
- C- Refuse Rate Index



1512 Eureka Road, Suite 220
Roseville, CA 95661
Tel: 916-782-7821
Fax: 916-782-7824
www.r3cgi.com

May 23, 2013

Mr. Jim McHargue, R.E.H.S.
Solid Waste Program Manager
County of Amador
810 Court Street
Jackson, CA 95642

Subject: Letter Report – Review of ACES Rate Year 6 Indexed Rate Adjustment

Dear Mr. McHargue:

R3 Consulting Group, Inc., (R3) was engaged by Amador County (County) to assist with a review of ACES Waste Services' (ACES) Rate Year (RY) 6 Rate Adjustment Request. This letter report presents the results of our review.

Objectives

To review and either confirm or revise ACES' RY 6 rate adjustment calculations listed below for the following franchise areas and transfer stations:

- Franchise Area 1 -2.36%
- Franchise Area 2 -1.96%
- Franchise Area 3 -3.01%
- Pine Grove Transfer Station -0.51%
- Buena Vista Transfer Station -2.02%

Summary Findings / Recommendation

Based on our review, R3 recommends the following RY 6 rate adjustments:

- Franchise Area 1 -1.65%
- Franchise Area 2 -1.31%
- Franchise Area 3 -2.30%
- Pine Grove Transfer Station +0.13%
- Buena Vista Transfer Station -1.40%

The difference between R3's and ACES' calculated rate adjustments is the result of an adjustment to the way in which ACES handled the one-time cost of the 2012 Rate Review Expense for the purpose of calculating the RY 6 rate adjustment. That one-time cost, along with the one-time costs for the CARB Retrofit Costs and 2012 Audit Fees were included in the RY 5 rate base and were to be removed as part of the RY 6 rate adjustment. However, the RY 5 rate adjustment became effective January 1, 2013, rather than July 1, 2012, as originally intended and will have been in

effect for only six months rather than one year when the RY 6 rate adjustments become effective on July 1, 2013. To properly account for this impact, 50 percent of those costs should be removed as part of the RY 6 rate adjustment with the remaining 50 percent removed as part of the RY 7 rate adjustment. This will provide for the ACES being fully reimbursed for those costs over that time period. In its RY 6 Rate Application, ACES removed 100 percent of the 2012 Rate Review expense rather than 50 percent, as it had done for the CARB Retrofit Costs and 2012 Audit Fees. Keeping 50 percent of that cost in the RY 6 rate base results in R3's recommended rate adjustments listed above. Attachment 1 provides ACES' rate adjustment calculations along with R3's recommended adjustments accounting for the revision to the 2012 Rate Review Expense.

Given the calculated negative rate adjustments for all three franchise areas, rather than reduce the rates this year, the County could keep the rates at their current level and reduce any calculated rate increases in RY 7 by the calculated rate decreases above. Similarly, the slight increase to the Pine Grove Transfer Station rate and decrease to the Buena Vista Transfer Station rate could be held over to RY 7 if agreed to by ACES and the County. Alternatively, the rates could be adjusted based on the calculated changes.

Methodology

As part of our review, R3 performed the following tasks. We also verified the mathematical accuracy of the resulting recommended rate adjustments.

Indexed Adjustments

- Reviewed and confirmed consistency of application for with Rate Adjustment Guidelines
- Confirmed accuracy of indexed adjustments and overall calculated indexed adjustments

Additional Adjustments

- Verified use of 2011 Income Statement expenses, which are consistent with that used for Rate Year 5 detailed rate review
- Confirmed the supporting basis for all additional adjustments and consistency with Rate Year 5 adjustments

Background

In December 2008, the Amador County Board of Supervisors approved the use of the Rate Adjustment Methodology (RAM) for the analysis and calculation of annual refuse rate adjustments within the county's franchise waste hauler system. The RAM uses a hybrid model for rate adjustments beginning in RY 1 with a detailed analysis of the waste hauler's operating expenses and revenues. During subsequent rate years, a waste industry specific Refuse Rate Index (RRI) is used to calculate adjustments. The Index consists of five separate indices: labor, diesel fuel, industrial vehicle replacement, industrial vehicle maintenance, and CPI (all urban consumers), as well as an indexed adjustment for landfill disposal costs based upon actual projections.

A detailed rate review was conducted in RY 5. This year (RY 6), the RAM calls for a return to the RRI adjustment mechanism. The RY 5 rate adjustments, however, accounted for the following one-time expenses to be recovered in RY 5 through the rates that were established. These expenses (and the associated Profit and Franchise Fee expenses) need to be removed from the RY 6 calculated index rate adjustment for each of the applicable Franchised Operations:

R3

1. **RY 5 Rate Review Expense** – RY 5 Detailed Rate Review pass-through expense of \$59,438;
2. **CARB Retrofit Costs** – CARB Retrofit Costs allocated to franchised service areas as part of RY 6 indexed rate adjustment process; and
3. **Audit Fees** – \$30,000 for Financial Audit required every three years by the County Contract.

In addition to the above items, as part of the RY 5 rate adjustment process, ACES projected the need to replace vehicles in 2012 and the projected cost of those vehicles was included in the RY 5 calculated rate adjustment. At that time, it was agreed that the RY 6 rate adjustment calculation would account for any difference between the actual and projected cost for any vehicles that were replaced in 2012. It was also agreed that any interest and depreciation expense savings associated with fully depreciated vehicles would also be accounted for as part of future indexed rate adjustments.

At the time of the RY 5 rate adjustment, ACES also projected the need to replace additional vehicles in 2013, 2014 and 2015, with all of the vehicles proposed to be replaced older than ten years. The County and ACES agreed that the cost for those vehicles would be handled in a similar manner with the projected vehicle replacement costs included in the associated Rate Year rate adjustment calculation and a corresponding adjustment the following year to account for any difference between the actual and projected vehicle cost. Finally, it was also agreed that starting in RY 6, the annual indexed rate adjustments would account for the actual interest expense on ACES loans for the purchase of Franchise Area 1 and the WARF to reflect the decreasing annual interest expense over the life of the loans.

The adjustments for the various vehicle expenses and the interest expense for ACES purchase of Franchise Area 1 and the WARF are reflected in the RY 6 rate adjustment calculations shown in Attachment 1.

* * * * *

Mr. Jim McHargue
May 23, 2013
Page 4 of 4

R3

We appreciate the opportunity to be of assistance to the County. Should you have any questions or comments regarding this submittal please do not hesitate to contact me by phone at (916) 782-7821, or by e-mail at wschoen@r3cgi.com.

Yours truly,

R3 CONSULTING GROUP, INC.



William Schoen
Principal

Attachment 1

Rate Year 6 Rate Adjustment Calculations

- Franchise Area 1
- Franchise Area 2
- Franchise Area 3
- Pine Grove Transfer Station
- Buena Vista Transfer Station

R:\Projects\Amador County - RY 6 RRI - 113008\Rate Year 6 Rate Adjustment Letter Report 052313 - UPDATED.doc

Attachment 1

Area 1 RRI Rate Submittal 2013

Area 1	Allowable Expenses						Pass-Thru Expenses	Non-Allowable	Total
	Salaries	Fuel	R&M	Depreciation	Other	Frtn. Fee	Disposal		
Rate Year 5 Total Expense =	254,685	75,134	33,698	63,653	101,347	17,072	210,812	1,968	756,401
Rate Year 5 Base Expense =	254,685	75,134	33,698	63,653	101,347	-	210,812	-	739,329
Percent of Total Base Expense =	34.45%	10.16%	4.56%	8.61%	13.71%	0.00%	28.51%		100%
Rate Year 6 Change in RRI Index =	102.09%	103.05%	103.48%	101.75%	102.07%	0.00%	97.98%		
Rate Year 6 Base Expense =	260,014	77,426	34,872	64,769	103,444	-	206,549	-	747,075
Percent of Total Base Expense =	34.80%	10.36%	4.67%	8.67%	13.85%	0.00%	27.65%		100.00%

739,329

FY 2011 Base Expense = 739,329

Rate Year 2 FY 2012 Base Expense = 747,075
Change in Expense = 7,747

Adjusted RY 6

Increase/(Decrease) Before Adjustments = 1,05%

Change in Expense Before Adjustments =	7,747	
2012 Allocated Interest Vehicles added 2012 =	(8,883)	7,747
2012 Allocated Interest Vehicles added 2012 =	(4,199)	(4,441)
2013 Allocated Interest Vehicles added 2013 =	75	(4,199)
2012 Allocated Depreciation Vehicles added 2012 =	1,937	75
2012 Allocated Depreciation Vehicles added 2012 =	387	1,937
2013 Allocated Depreciation Vehicles added 2013 =	547	387
2011/2012 Fully Depreciated Vehicle Depreciation Savings =	2,354	547
2012/2013 Fully Depreciated Vehicle Depreciation Savings =	(4,207)	2,354
2011/2012 Fully Depreciated Vehicle Interest Savings =	310	(4,207)
2012/2013 Fully Depreciated Vehicle Interest Savings =	(310)	310
2012 WARF / Area 1 Interest Expense Reduction =	1,831	(310)
2013 WARF / Area 1 Interest Expense Reduction =	(2,131)	1,831
Carb Retrofit Costs =	0	(2,131)
2012 Audit Fees =	(2,262)	0
Franchise fees on adjustments =	(294)	(2,262)
Profit on adjustments =	(2,438)	(294)
Adjusted Change in Expenses =	(17,443)	(2,438)

ACES Calculated Rate Increase/(Decrease) = -2.36%

-1.65%

Attachment 1

Area 2 RRI Rate Submittal 2013

Area 2	Allowable Expenses						Pass-Thru Expenses	Non-Allowable	Total
	Salaries	Fuel	R&M	Depreciation	Other	Fran. Fee	Disposal		
Rate Year 5 Total Expense =	136,103	41,023	16,193	28,314	64,969	8,693	120,303	1,968	415,599
Rate Year 5 Base Expense =	136,103	41,023	16,193	28,314	64,969	-	120,303	-	406,905
Percent of Total Base Expense =	33.45%	10.08%	3.98%	6.96%	15.97%	0.00%	29.57%		100%
Rate Year 6 Change in RRI Index =	102.09%	103.05%	103.48%	101.75%	102.07%	0.00%	97.98%		
Rate Year 6 Base Expense =	138,951	42,275	16,757	28,811	66,314	-	117,870	-	410,977
Percent of Total Base Expense =	33.81%	10.29%	4.08%	7.01%	16.14%	0.00%	28.68%		100.00%

406,905

FY 2011 Base Expense = 406,905

Rate Year 2 FY 2012 Base Expense = 410,977

Change in Expense = 4,072

Adjusted RY 6

Increase/(Decrease) Before Adjustments = 1.00%

Change in Expense Before Adjustments =	4,072
2012 Rate Review =	(4,484)
2012 Allocated Interest Vehicles added 2012 =	(1,866)
2012 Allocated Interest Vehicles added 2012 =	33
2013 Allocated Interest Vehicles added 2013 =	561
2012 Allocated Depreciation Vehicles added 2012 =	(3,514)
2012 Allocated Depreciation Vehicles added 2012 =	172
2013 Allocated Depreciation Vehicles added 2013 =	243
2011/2012 Fully Depreciated Vehicle Depreciation Savings =	1,046
2012/2013 Fully Depreciated Vehicle Depreciation Savings =	(1,871)
2011/2012 Fully Depreciated Vehicle Interest Savings =	138
2012/2013 Fully Depreciated Vehicle Interest Savings =	(138)
2012 WARF / Area 1 Interest Expense Reduction =	0
2013 WARF / Area 1 Interest Expense Reduction =	0
Carb Retrofit Costs =	0
2012 Audit Fees =	(1,121)
Franchise fees on adjustments =	(135)
Profit on adjustments =	(1,115)
Adjusted Change in Expenses =	(7,976)
ACES Calculated Rate Increase/(Decrease) =	-1.96%
Adjusted RY 6	-1.31%

Attachment 1

Area 3 RRI Rate Submittal 2013

Area 3	Allowable Expenses							Pass-Thru Expenses	Non-Allowable	Total
	Salaries	Fuel	R&M	Depreciation	Other	Fran. Fee	Disposal			
Rate Year 5 Total Expense =	584,927	153,723	80,049	138,964	311,704	40,504	431,159	1,968	1,741,031	
Rate Year 5 Base Expense =	584,927	153,723	80,049	138,964	311,704	-	431,159	-	1,700,527	
Percent of Total Base Expense =	34.40%	9.04%	4.71%	8.17%	18.33%	0.00%	25.35%	-	100%	
Rate Year 6 Change in RRI Index =	102.09%	103.05%	103.48%	101.75%	102.07%	0.00%	99.49%	-	-	
Rate Year 6 Base Expense =	597,166	158,414	82,836	141,402	318,154	-	428,972	-	1,726,944	
Percent of Total Base Expense =	34.58%	9.17%	4.80%	8.19%	18.42%	0.00%	24.84%	-	100.00%	

Rate Year 6 Base Expense =

FY 2011 Base Expense =

1,700,527

Rate Year 2 FY 2012 Base Expense =

1,726,944

Change in Expense =

26,417

Increase/(Decrease) Before Adjustments =

1.55%

Change in Expense Before Adjustments =

26,417

2012 Allocated Interest Vehicles added 2012 =

(20,376)

2012 Allocated Interest Vehicles added 2012 =

(14,929)

2013 Allocated Interest Vehicles added 2012 =

267

2013 Allocated Interest Vehicles added 2013 =

2,091

2012 Allocated Depreciation Vehicles added 2012 =

(28,108)

2012 Allocated Depreciation Vehicles added 2012 =

1,375

2013 Allocated Depreciation Vehicles added 2013 =

1,946

2011/2012 Fully Depreciated Vehicle Depreciation Savings =

8,368

2012/2013 Fully Depreciated Vehicle Depreciation Savings =

(14,963)

2011/2012 Fully Depreciated Vehicle Interest Savings =

1,103

2012/2013 Fully Depreciated Vehicle Interest Savings =

(1,103)

2012 WARF / Area 1 Interest Expense Reduction =

0

2013 WARF / Area 1 Interest Expense Reduction =

0

Carb Retrofit Costs =

0

2012 Audit Fees =

(5,202)

Franchise fees on adjustments =

(862)

Profit on adjustments =

(7,145)

Adjusted Change in Expenses =

(51,122)

ACES Calculated Rate Increase/(Decrease) =

-3.01%

-2.30%

Adjusted RY 6

26,417

(10,188)

(14,929)

267

2,091

(28,108)

1,375

1,946

8,368

(14,963)

1,103

(1,103)

0

0

(5,202)

(659)

(5,457)

(39,042)

Attachment 1

Pine Grove Transfer Station RRI Rate Submittal 2013

PGTS	Allowable Expenses							Pass-Thru Expenses	Non-Allowable	Total
	Salaries	Fuel	R&M	Depreciation	Other	Fran. Fee	Disposal			
Rate Year 5 Total Expense =	146,943	15,050	63,816	41,217	127,684	1,460	161,327	-	557,496	
Rate Year 5 Base Expense =	146,943	15,050	63,816	41,217	127,684	-	161,327	-	556,036	
Percent of Total Base Expense =	26.43%	2.71%	11.48%	7.41%	22.96%	0.00%	29.01%	-	100%	
Rate Year 6 Change in RRI Index =	102.09%	103.05%	103.48%	101.75%	102.07%	0.00%	102.20%	-	-	
Rate Year 6 Base Expense =	150,018	15,509	66,038	41,940	130,326	-	164,876	-	568,706	
Percent of Total Base Expense =	26.38%	2.73%	11.61%	7.37%	22.92%	0.00%	28.99%	-	100.00%	

FY 2011 Base Expense = 556,036

FY 2012 Base Expense = 568,706

Rate Year 2 FY 2012 Base Expense = 568,706
Change in Expense = 12,670

Adjusted RY 6

Increase/(Decrease) Before Adjustments = 2.28%

Change in Expense Before Adjustments =	12,670
2012 Rate Review =	(5,959)
2012 Allocated Interest Vehicles added 2012 =	(5,178)
2012 Allocated Interest Vehicles added 2012 =	855
2013 Allocated Interest Vehicles added 2013 =	1,797
2012 Allocated Depreciation Vehicles added 2012 =	(9,750)
2012 Allocated Depreciation Vehicles added 2012 =	4,227
2013 Allocated Depreciation Vehicles added 2013 =	7,735
2011/2012 Fully Depreciated Vehicle Depreciation Savings =	2,903
2012/2013 Fully Depreciated Vehicle Depreciation Savings =	(5,193)
2011/2012 Fully Depreciated Vehicle Interest Savings =	383
2012/2013 Fully Depreciated Vehicle Interest Savings =	(383)
2012 WARF / Area 1 Interest Expense Reduction =	0
2013 WARF / Area 1 Interest Expense Reduction =	0
Carb Retrofit Costs =	(5,000)
2012 Audit Fees =	(1,487)
Franchise fees on adjustments =	(48)
Profit on adjustments =	99
Adjusted Change in Expenses =	711

ACES Calculated Rate Increase/(Decrease) = -0.51%

0.13%

Attachment 1

Buena Vista Transfer Station (WARF) RRI Rate Submittal 2013

WARF

	Allowable Expenses					Pass-Thru Expenses	Non-Allowable	Total
	Salaries	Fuel	R&M	Depreciation	Other			
Rate Year 5 Total Expense =	557,812	54,985	76,649	52,382	496,435	(1,318)	631,384	1,868,329
Rate Year 5 Base Expense =	557,812	54,985	76,649	52,382	496,435	-	631,384	1,869,647
Percent of Total Base Expense =	29.84%	2.94%	4.10%	2.80%	26.55%	0.00%	33.77%	100%
Rate Year 6 Change in RRI Index =	102.09%	103.05%	103.48%	101.75%	102.07%	0.00%	102.20%	
Rate Year 6 Base Expense =	569,484	56,663	79,318	53,301	506,708	-	645,274	1,910,748
Percent of Total Base Expense =	29.80%	2.97%	4.15%	2.79%	26.52%	0.00%	33.77%	100.00%

FY 2011 Base Expense = 1,869,647

Rate Year 2 FY 2012 Base Expense = 1,910,748

Change in Expense = 41,100

**Adjusted
RY 6**

Increase/(Decrease) Before Adjustments = 2.20%

Change in Expense Before Adjustments =	41,100
2012 Rate Review =	(19,737)
2012 Allocated Interest Vehicles added 2012 =	(15,535)
2012 Allocated Interest Vehicles added 2012 =	2,566
2013 Allocated Interest Vehicles added 2013 =	1,067
2012 Allocated Depreciation Vehicles added 2012 =	(29,250)
2012 Allocated Depreciation Vehicles added 2012 =	12,680
2013 Allocated Depreciation Vehicles added 2013 =	2,600
2011/2012 Fully Depreciated Vehicle Depreciation Savings =	8,708
2012/2013 Fully Depreciated Vehicle Depreciation Savings =	(15,567)
2011/2012 Fully Depreciated Vehicle Interest Savings =	1,148
2012/2013 Fully Depreciated Vehicle Interest Savings =	(1,148)
2012 WARF / Area 1 Interest Expense Reduction =	4,160
2013 WARF / Area 1 Interest Expense Reduction =	(4,744)
Carb Retrofit Costs =	(15,000)
2012 Audit Fees =	(4,929)
Franchise Fees on adjustments =	(638)
Profit on adjustments =	(5,283)
Adjusted Change in Expenses =	(37,801)
ACES Calculated Rate Increase/(Decrease) =	-1.40%

County of Amador

Rate Adjustment Methodology

The Rate Adjustment Process will be on a three year cycle with a cost based adjustment (Detailed Rate Adjustment) in Rate Year 1 followed by Indexed Rate Adjustments (Refuse Rate Index) in Rate Years 2 and 3. The cycle will then repeat with a Detailed Rate Adjustment in Rate Year 4 and so on.

DETAILED RATE REVIEW

Non-Allowable Expenses

- Fines;
- Liquidated Damages
- Penalties and Violations
- Income Taxes
- Charitable or Political Contributions (including CRRC PAC expenses) (CRRC dues other than PAC expenses are an "Allowable Expense")
- Good Will
- Employee free services in excess of normal weekly garbage service and limited roll-off service (1 debris box/employee/year)
- Related party charges in excess of that which would otherwise reasonably be charged by an unrelated party
- Long-term rental or lease charges for collection vehicles / equipment which are greater than the cost of acquisition (although normal interest/financing charges and costs borne by the leasing/rental company that would normally be the responsibility of the hauling company if they owned the assets directly. These costs include but are not limited to license fees, property taxes, insurance, repairs and maintenance).
- Costs that are not reasonable or necessarily incurred in the performance of the services provided in accordance with the Franchise Agreement

Pass Through Expenses (not subject to Profit)

- Third-party Transfer, Processing and Disposal Expenses (Company material transport costs are an "Allowable Expense").
- Host Fees and Franchise Fees
- Regulatory or Other Fees
- Third Party-Rate Review Costs

Limitations on Allowable Expenses

- ACES Officer Salary to be set at current Officer Salary + Director Fees (based on 2007 figures) (Attachment 1) with annual increase tied to Employment Cost Index

County of Amador

(NAICS) (Series ID: cis201s000000000i). The County will also consider additional adjustments to Officer Salary related to growth.

- ADS Corporate Overhead charges are set at \$52,867 for the MRF/TS and \$24,609 for Collection with annual increase tied to Employment Cost Index (NAICS) (Series ID: cis201s000000000i) (Attachment 2).
- Reasonable Franchise related Marketing Expense, Promotional Expense, and Travel Expense are Allowable Expenses.

Variance Analysis

Company to provide line item revenue and expense variance analysis for prior 4 years (Since last Detailed Review) and provide explanation of significant variances as part of Detailed Rate Application.

Profit

87.5% Operating Ratio contingent upon the Company's compliance with all terms and conditions of the franchise agreement and any and all other related requirements. Determination of compliance shall rest solely with the County Board of Supervisors (Board).

The Board reserves the right to increase or decrease the Company's profit, at its sole discretion, based on its assessment of the extent to which the Company has or has not complied with all terms and conditions of the franchise agreement and any and all other related requirements.

Basis for Rate Adjustment Calculation

The rate adjustment for the Current Year is to be based on the Rate Adjustment Methodology applied to the results for the Prior Year (e.g., FYE 2007 Actual results will serve as the basis for 2008 Rate Adjustment).

Schedule for Annual Rate Adjustments

- Detailed and Indexed Rate Applications due to County by March 15th.
- Rate Review to be completed by May 1st.
- Rates to become effective on July 1st.

Other Issues

1. Company to Provide Income Statements annually including RRI Years.
2. Income Statements to be Audited for Detailed Rate Review years only (with exception of Material Sales revenues which County reserves the right to have audited every year)
3. Material Sales revenues to be set to prior year actuals during RRI years to account for commodity price fluctuations.

County of Amador

4. Notwithstanding the Schedule for Annual Rate Adjustments, in the event of an extraordinary or unanticipated event including change in law, new or increased/decreased governmental or regulatory fees or tip fees or other event that materially affects the Company's compensation and over which it has no control, then the Company or County may request an Interim Compensation Adjustment. In no event shall an Interim Compensation Adjustment be requested for a Company more frequently than once each calendar quarter. At the county's discretion, the Interim Compensation Adjustment, if adopted, may be either incorporated into the base rate or approved in the form of a surcharge. The party submitting the request shall clearly document the reason for the proposed adjustment, calculation of the proposed cost adjustments and supporting documentation. The County reserves the right to determine what constitutes a material affect that would trigger an Interim Compensation Adjustment.
5. There are to be no Balancing Accounts associated with the Rate Adjustment process. Either party may request a full cost based rate application (Detailed Rate Review) in place of an Indexed Rate Application. If allowed, any associated third party cost in excess of \$5,000 is to be paid by the party making the request.
6. Company is to identify any revenues and/or expenses that are allocated and identify the specific allocation methods. County reserves the right to review any such allocations for reasonableness.
7. County reserves the right to review Company's franchised operations to obtain assurances that the Company is operating in a cost effective manner. The County recognizes that there are many reasonable and cost effective ways of providing solid waste services and the County is not interested in dictating the specific collection methodologies, the County's concern is that the chosen methods are reasonable and can be reasonably justified by the Company.
8. Any third-party cost of future rate reviews are to be paid by Company and are to be allowed as a Pass-Through cost not subject to profit.
9. The Rate Adjustment Process will consider all franchised operations at the same time.

INDEXED RATE ADJUSTMENT

Year 2

- RRI to be applied to the total of each applicable expense category (e.g., labor, fuel, R&M, Depreciation, Other) from Detailed Rate Review Income Statement (Rate Year 1) to generate Year 2 Indexed Expenses that will serve as the basis for the Year 2 Rate Adjustment Calculation.
- Disposal expenses to be projected based on best available information;
- Material Sales revenues to be set to prior year actual revenues during RRI years to account for commodity price fluctuations. County reserves the right to require that Material Sales revenues be audited during RRI years.

Year 3

- RRI to be applied to Year 2 Indexed Expenses that will serve as the basis for the Year 3 Rate Adjustment Calculation.

County of Amador

- Material Sales revenues to be set to prior year actual revenues during RRI years to account for commodity price fluctuations.

Year 4 and all other years

By mutual agreement of the parties the RRI can be used in place of the Detailed Rate Review in Year 4 or any other years. In this case the Detailed Rate Review will be deferred to the following year (e.g., the parties could agree to use the RRI in Years 4 and 5 in which case the Detailed Rate Review would be conducted in Year 6 followed by Indexed Rate Adjustments in Years 7 and 8).

Refuse Rate Index

- Indexed Adjustment for “All Other” costs to be set at 100% of CPI rather than 75% as originally proposed.
- Consideration to be given to the use of CA No 2 Diesel Fuel Index or other proposed index (e.g., CA No 2 Diesel Ultra Low Sulfur Fuel).

Attachment 1
ACES ALLOWABLE OFFICER COMPENSATION

Officer Salaries	\$	74,972
Monthly Director Fees	\$	850
Annual Director Fees	\$	10,200
Individual Annual Officer Compensation	\$	85,172
Number of Officers		5.00
Total Annual Officer Compensation	\$	425,860

Attachment 2
ADS ALLOWABLE CORPORATE OVERHEAD

AMADOR DISPOSAL, INC.
(A WHOLLY-OWNED SUBSIDIARY OF WASTE CONNECTIONS, INC.)
AMADOR COUNTY COLLECTION OPERATIONS &
AMADOR COUNTY MRF/TS OPERATIONS
LINE ITEM ACCOUNTING OF ALLOCATIONS
YEAR ENDING June 30, 2007

	Amador Collection	Amador MRF/TS
	24,609	52,867
Corporate Accounting	3,916	8,412
Local Accounting	1,804	3,875
Legal	1,338	2,873
Operations	3,410	7,326
HR	1,900	4,082
IT	1,614	3,467
Tax	342	736
Sales and Marketing	333	716
Engineering	1,098	2,360
Directors Fees	3,914	8,408
Shop Manager	1,195	2,568
Local Managers Bonus/Incentive	3,745	8,045
	Total	Total
	24,609	52,867

REFUSE RATE INDEX (RRI)

(more information on each index can be obtained at <http://www.bls.gov/home.htm>)

	Cost Category and Description	Index
1.	Labor List all administrative, officer, operation and maintenance salary accounts. List payroll tax accounts directly related to the above salary accounts.	Service-Producing Industries, Series ID cis201s000000000i
2.	Diesel Fuel List all diesel fuel accounts.	No. 2 Diesel Fuel, Series ID wpu057303
3.	Vehicle Replacement List all collection and collection related vehicle depreciation accounts. List all vehicle lease or rental accounts related to collection or collection related vehicles.	Truck and bus bodies sold separately, Series ID wpu141301
4.	Vehicle Maintenance List all collection or collection related vehicle parts accounts.	Industrial truck, trailer, and stacker manufacturing, Series ID pcu333924333924
5.	All Other List other expense accounts related to the services provided. This includes all insurance including general liability, fire, truck damage, extended coverage and employee group medical and life; rent on property, truck licenses and permits; real and personal property taxes; telephone and other utilities; employee uniforms; safety equipment; general yard repairs and maintenance; non-diesel fuel; office supplies; postage; trade association dues and subscription; advertising; employee retirement or profit sharing contributions; and miscellaneous other expenses.	One hundred percent (100%) of Consumer Price Index, All Urban Consumers, All Items, Series ID cuur0000sa0

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: June 11, 2013

From: Jake Herfel, Amador Fire Protection Authority
 (Department Head - please type)

Phone Ext. x391

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>06/11/13</u>	

Department Head Signature _____

Agenda Title: Proposition 172 Expenditures

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action on ratification of the following Proposition 172 acceptable expenditures approved by the Amador Fire Protection Authority: paid personnel, volunteer personnel, training, turnouts and PPE (personnel protective equipment), radios and communications and fire department safety equipment.

Recommendation/Requested Action:
Approve expenditures as presented

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes No

Committee Review? N/A

Name _____

Committee Recommendation: _____

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Comments: _____

Request Reviewed by:

Chairman <u>[Signature]</u>	Counsel <u>GG</u>
Auditor <u>[Signature]</u>	GSA Director <u>Hop</u>
CAO <u>[Signature]</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)
AFPA

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 9

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____ Completed by _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
--	---	--

Save

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: June 5, 2013

From: Jennifer Burns, Clerk of the Board
(Department Head - please type)

Phone Ext. x470

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>June 11, 2013</u>	

Department Head Signature _____

Agenda Title: California State Association of Counties

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to an update by Supervisor Boitano regarding a recent meeting of the CSAC Board of Directors.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____

Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
Committee Review? N/A <input type="checkbox"/> Name: _____ Committee Recommendation: _____	

Request Reviewed by:

Chairman <u>[Signature]</u>	Counsel <u>GG</u>
Auditor <u>[Signature]</u>	GSA Director <u>[Signature]</u>
CAO <u>[Signature]</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date <u>6-11-13</u>	Time _____	Item # <u>10</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	Other: _____

Distributed on _____	A new ATF is required from _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	Department _____ For meeting of _____	
		ATTEST: _____ Clerk or Deputy Board Clerk

Save

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: June 5, 2013

From: Richard M. Forster, Chairman
(Department Head - please type)

Phone Ext. x470

- Regular Agenda
- Consent Agenda
- Blue Slip
- Closed Session

Meeting Date Requested:
June 11, 2013

Department Head Signature _____

Agenda Title: California State Association of Counties-Agriculture and Natural Resources Policy Committee and Housing Land Use & Transportation Policy Committee

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to an update by Chairman Forster regarding a recent meeting of the subject Committees.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman [Signature]

Counsel [Signature]

Auditor [Signature]

GSA Director [Signature]

CAO _____

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 6-11-13

Time _____

Item # 11

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

A new ATF is required from _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by _____

Department _____
For meeting _____
of _____

ATTEST: _____

Clerk or Deputy Board Clerk

Save

Local Vote Thresholds: To Lower or Not To Lower?

A likely focus of the 2013-14 legislative session is an examination of options for lowering voter approval thresholds for local taxes and bonds. There is renewed political support, not only because of the legislative supermajority, but because both Los Angeles and Alameda counties barely missed the two-thirds vote to extend their existing transportation sales tax in the November 2012 election. At the same time, local tax measures generally are better received by voters, with about 70% of local revenue measures passing in November 2012. The following measures are moving through the legislative process:

Bill	Author	Subject	Status
SCA 4	Liu	55% voter approval for transportation taxes	Senate Rules Committee
SCA 3	Leno	55% voter approval for school parcel taxes	Senate Elections and Constitutional Amendments Committee
SCA 7	Wolk	55% voter approval for library facilities bonds, library taxes	Senate Elections and Constitutional Amendments Committee
SCA 8	Corbett	55% voter approval for transportation taxes	Senate Rules Committee
SCA 9	Corbett	55% voter approval for economic development taxes	Senate Elections and Constitutional Amendments Committee
SCA 11	Hancock	55% voter approval for special taxes (generally)	Senate Elections and Constitutional Amendments Committee
ACA 3	Campos	55% voter approval for public safety (fire, emergency response, police, sheriff) taxes and bonds	Assembly Local Government Committee
ACA 8	Blumenfield	55% voter approval for public safety facilities bonds	Assembly Local Government Committee

Local Taxes

Article XIIC of the California Constitution requires that all local taxes are either special taxes or general taxes. The courts have interpreted “special tax” as taxes that are legally required to be used for a specific designated purpose. Special taxes must be approved with a 2/3 vote, while general taxes, those that may be used for any general purpose, require majority voter approval. All parcel taxes (non-ad valorem taxes on parcels of property) require a 2/3 vote. General Obligation bond measures, which may increase the ad valorem property tax rate, also require a 2/3 vote. However, school bonds which meet certain conditions require only 55% voter approval.*

Local Tax	Proposed by	Voter Approval Requirement
General Tax	City or county	Majority
Special Tax	City, county, or special district	2/3
Parcel Tax	City, county, special district, or school	2/3
General obligation bond	City, county, special district, or school	2/3
School bond	School	2/3

*In November 2000, the voters approved Proposition 39, which reduced the vote threshold for certain school bonds from 2/3 to 55%. These bonds must fund the repair, construction or replacement of school facilities, classrooms, if evaluated by schools, community college districts, county education offices for safety, class size, and information technology needs. The measure included annual performance and financial audits of use of bond proceeds.

Existing CSAC Policy

From the CSAC Platform *Chapter Nine: Financing County Services*:

“Counties should be granted enhanced local revenue-generating authority to respond to unique circumstances in each county to provide needed infrastructure and county services. Any revenue raising actions that require approval by the electorate should require a simple majority vote.”

As a matter of practice, CSAC has supported many legislative proposals over the years that reduced voter approval thresholds for local taxes. However, given the new legislative supermajority, this is the year that those conversations become real. The Legislature has the ability, with a 2/3 vote, to place constitutional amendments on the ballot. These measures do not require the signature of the Governor nor do they have to meet the regular legislative process deadlines.

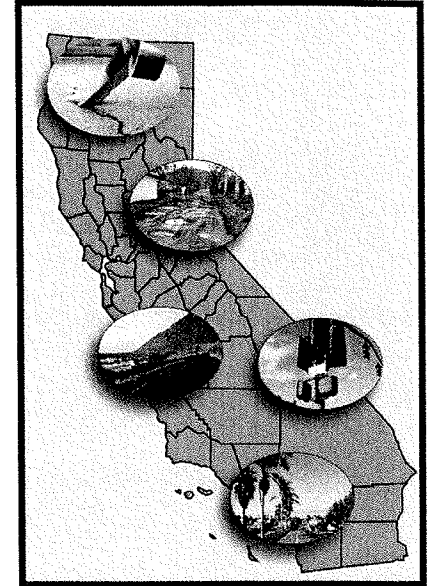


Why is the 2012 Statewide Needs Assessment Project important?

- The report evaluates the present condition and future requirements of California's pavement, bridges, sidewalks and other essential transportation components of the local street and road network.
- It determines the cost to bring the transportation system up to a Best Management Practices condition, which is the most cost-effective and efficient condition to maintain pavement. It also indicates a funding shortfall of \$82.2 billion over the next ten years.
- The findings will help educate policymakers at all levels of government about critical infrastructure needs and the economic and public safety impacts of delaying investment.

What are the key findings of the 2012 Needs Assessment?

- There is a significant funding shortfall to bring the system up-to-date, and as pavement conditions deteriorate, the cost of repair increases exponentially; the longer we wait, the more it will cost.
- The data confirms that there has been a steady downward trend in the pavement condition since 2008, when the first comprehensive statewide local street and road pavement study was conducted.
- The majority of California's counties now have an average pavement condition rating that is considered at risk, and projections indicate that by 2022, a quarter of local streets and roads will be in the failed category.



Which counties have the worst pavement condition?

- Amador, Mendocino, Lake, Mariposa, Alpine, Madera, Santa Cruz, Trinity, Sonoma and Monterey.

Which counties have the best pavement conditions?

- Fresno, Riverside, San Bernardino, San Mateo, Contra Costa, Sierra, Placer, Nevada, Santa Clara and Orange.

Why is there a funding shortfall?

- An aging infrastructure, rising construction costs, and new regulatory requirements all contribute to the shortfall. In addition, the purchasing power of existing revenue streams is declining and budget constraints have precluded needed maintenance. Other factors such as heavier vehicles, better vehicle fuel efficiency, increasing traffic and the need to accommodate alternative modes of transportation like buses, bicyclists and pedestrians place increased demands on roads even as they decline.

What is needed to establish stable funding and ensure ongoing repair and maintenance?

- New sustainable sources of revenues must be created, and a significant portion should be focused on preservation of the existing roads network. Once the system is in a state of good repair, the need for maintenance will be reduced.
- Everyone who benefits from local streets and roads - personal and commercial vehicles, transit, bicyclists, and pedestrians - should bear the cost of restoring and preserving them.
- Californians need to work together to find ways to fund local streets and roads, and push state and local governments to establish sustainable transportation revenues.



The 2012 Statewide Needs Assessment shows a steady downward trend in pavement condition.

- In 10 years, under existing funding levels, a quarter of the streets and roads in California will be in “failed” condition. More than twice the current funding level is needed just to maintain current pavement conditions.

Cities and counties own and operate 81% of the local streets and roads in California.

- Every trip – by car, bus, bicycle, or on foot - begins and ends on a local street or road.
- The local system is critical for the safety and mobility of the traveling public, emergency responders, law enforcement, farm to market needs, commerce, and multimodal needs such as bicycles and buses.

The local street and road system provides two-fold opportunity for economic recovery.

- The system provides opportunity for public and private sector jobs, supporting economies across the state.
- Modernizing local streets and roads will create well-paying construction jobs that help boost local economies, attract businesses, and provide for the safe and efficient movement of both people and goods.

Investing in local streets and roads now will help the environment later.

- Maintenance reduces drive time and traffic congestion, improves bicycle safety, and makes the pedestrian experience safer and more appealing - all of which lead to reduced vehicle emissions.
- Cars and trucks sustain less damage and use less fuel on well-maintained streets.
- Restoring roads before they fail will reduce future construction costs and also translates to less air and water pollution.

The Assessment captures more than 98% of local streets and roads in California, with 92% of the data coming from pavement management systems.

- On the Pavement Condition Index (PCI) which ranks roadway pavement conditions on a scale of zero (failed) to 100 (excellent), the statewide average for local streets and roads is 66, an “at risk” rating.
- The condition is projected to deteriorate to a PCI of 53 in 10 years.

The funding shortfall is \$82.2 billion over the next 10 years.

- To bring the pavement condition and essential components such as storm drains, gutters, sidewalks and curbs of local streets and roads to a level of Best Management Practices (BMP), there needs to be an additional investment of \$8.22 billion dollars annually over the next ten years.
- Achieving pavement BMP is the most cost-effective way to maintain local streets and roads, and has the lowest impact on mobility and commerce.

Nichols Consulting Engineers, Chtd. performed the study. It was sponsored by the cities and counties of California, and managed by the Metropolitan Transportation Commission (MTC). The Oversight Committee is composed of representatives from the following:

- League of California Cities (League)
- California State Association of Counties (CSAC)
- County Engineers Association of California (CEAC)
- California Regional Transportation Planning Agencies (RTPA)
- California Rural Counties Task Force (RCTF)
- Metropolitan Transportation Commission (MTC)
- County of Los Angeles, Department of Public Works

The full report can be downloaded at: <http://www.savecaliforniastreet.org>

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: June 5, 2013

From: Richard M. Forster, Chairman
(Department Head - please type)

Phone Ext. x470

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>June 11, 2013</u>	

Department Head Signature _____

Agenda Title: Assembly Bill 145 (AB 145)

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to the Chairman's signature on a letter of opposition regarding the subject legislation.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman [Signature]

Counsel [Signature]

Auditor [Signature]

GSA Director [Signature]

CAO _____

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 12

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

A new ATF is required from _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by _____

Department _____

ATTEST: _____

For meeting _____

Clerk or Deputy Board Clerk

of _____

Save ...

VIA U.S. MAIL AND ELECTRONIC MAIL

April 19, 2013

The Honorable Diana Dooley
Secretary
California Health and Human Services Agency
1600 Ninth Street, Room 460
Sacramento, CA 95814

The Honorable Matthew Rodriguez
Secretary for Environmental Protection
California Environmental Protection Agency
1001 I Street, 25th Floor
Sacramento, CA 95814

RE: Time Sensitive - Organization of the State's Drinking Water Program

Dear Secretary Dooley and Secretary Rodriguez,

The following organizations, the members of which provide the vast majority of safe drinking water to the residents and businesses of California, respectfully wish to provide input to your deliberations regarding where the State's Drinking Water Program (the Program) should be housed in State government.

**ASSOCIATION OF CALIFORNIA WATER AGENCIES
CALIFORNIA MUNICIPAL UTILITIES ASSOCIATION
CALIFORNIA WATER ASSOCIATION**

Please note that all of our organizations want to help the Brown Administration solve problems that some disadvantaged communities face in California relative to having a sustainable supply of safe drinking water. That said, we have strong concerns about one option that the Administration is considering – the option of moving the entire State Drinking Water Program to the State Water Resources Control Board (State Water Board).

1. The Drinking Water Program Should Not be Moved to the State Water Board.

The State Water Board is skilled in environmental protection – but it is not a public health agency. For example, the State Water Board's mission statement makes no mention of the protection of public health. The Drinking Water Program is a program that needs to work on a 24-7 basis in order to address water supply emergencies that could lead to widespread illness. Currently, the State Water Board is implementing many critical and complex programs, such as Delta Flows, water rights, wastewater regulation, and storm water regulation. Adding drinking water to its portfolio creates a risk that the State Water Board's focus will be diverted from a very full plate of critical programs and complex issues. Many parts of the Drinking Water Program work well; rather than a wholesale disruption of the program

(the certain outcome associated with moving the program), we believe a more targeted approach to address identified shortcomings in the program is the right - and less costly - solution.

2. A Key Needed Solution is Aggressive Financial Management of the Safe Drinking Water State Revolving Fund (SDWSRF).

One solution that will help disadvantaged communities and other communities across the state is to have more aggressive management of the SDWSRF. U.S. EPA Region 9 is recommending this to the California Department of Public Health (CDPH). CDPH has made improvements in this area, but it should take specific steps to reduce the unliquidated obligation for the SDWSRF. U.S. EPA Region 9 has asked CDPH to submit a plan for this, and successful development and implementation of the plan would be a major accomplishment for the Program and the Brown Administration. This could be accomplished without moving the drinking water program away from the CDPH. (Advice and assistance from the State Water Board, which manages the Clean Water State Revolving Fund, would be helpful and could be provided without a reorganization.) This would be a real success without the multi-year disruption and downsides of moving the entire Program.

3. Another Needed Solution is "Navigation" Assistance with the SDWSRF.

One suggestion that has come up at meetings of the Governor's Drinking Water Stakeholder Group is for an Ombudsman (or multiple staff) at CDPH who can assist disadvantaged communities with navigating the SDWSRF program. We agree with that suggestion.

4. A Middle Ground is to Move the Management of the SDWSRF (But Not the Drinking Water Regulatory Program) to the State Water Board.

One middle ground option that may be workable is moving the management of the SDWSRF to the State Water Board. This would need to be done in a careful manner so that the move would not disrupt or harm the regulatory/permitting program for drinking water agencies that generally works. We believe this can be done with minimal disruption to the Program overall.

5. Another Middle Ground is to Move the Program to a New Office or Department at Cal/EPA.

With the combination of **leadership, resources and good management**, CDPH can effectively address the shortcomings that have been identified in the Program. It makes sense to try that first. If, however, the Administration decides that moving the Program to another Agency is essential, the creation of a new drinking water department or office at the California Environmental Protection Agency (Cal/EPA) is a better option than moving the program to the State Water Board. Safe drinking water deserves the same level of priority in state government as clean air, toxic substances control, pesticide regulation, environmental health hazard assessment, and water resources control. Ensuring public health is part of Cal/EPA's mission. Having a new office or department at Cal/EPA would elevate the Program, put a laser focus on safe drinking water, keep the focus on public health and avoid having the Program compete

The Honorable Diana Dooley and The Honorable Matt Rodriquez

April 19, 2013

Page 3

directly with other State Water Board programs for resources and management time. Some might be concerned that this would create a "new box" in the Cal/EPA organization chart. However, a move to the State Water Board also would do that, with a box for a new division at the State Water Board, without the benefit of elevating the Program the way a new office or department would do.

6. A "Holistic" Approach May Sound Good, But Specific Solutions are What is Needed.

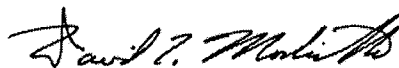
Some believe that combining the State's Drinking Water Program and Water Resources Control programs is the right way to go. We respectfully suggest that California has a drinking water program that for the most part works well, and our focus should be on addressing the specific drinking water problems with which some disadvantaged communities continue to grapple.

Our organizations appreciate your consideration of our views, and we look forward to working with you to address these issues.

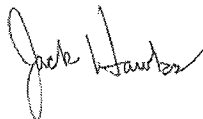
Sincerely,



Timothy H. Quinn
Executive Director
Association of California Water Agencies



Dave Modisette
Executive Director
California Municipal Utilities Association



Jack Hawks
Executive Director
California Water Association

cc: The Honorable Edmund G. Brown Jr.
Ms. Nancy McFadden
Ms. Martha Guzman-Aceves
Mr. Cliff Rechtschaffen
Ms. Debbie Davis
The Honorable Ana Matosantos
The Honorable Karen Ross
Mr. Gordon Burns
Ms. Sandy Schubert
The Honorable Michael Wilkening
The Honorable Ronald Chapman
The Honorable Felicia Marcus
Mr. Tom Howard
Ms. Karen Finn
Mr. Mark Starr
Ms. Donna Campbell
Ms. Kristin Stauffacher
Ms. Monica Wagoner
Mr. Rob Egel

DIRECTORS:
WILLIAM M. BONDSHU
DANA L. FINNEY
ROBERT W. MCKNIGHT
BRIAN MULLER
DAVID RADANOVICH

MARK L. ROWNEY, GEN. MGR.

MARIPOSA PUBLIC UTILITY DISTRICT

P.O. Box 494
Mariposa, CA 95338
209-966-2515 FAX (209) 966-6615
mpudoffice@sti.net

water

wastewater

fire protection

May 16, 2013

The Honorable Henry Perea
California State Assembly
State Capital Room 3120
Sacramento, CA 95814

REF: AB 145 – CLEAN DRINKING WATER BILL

Dear Assemblymember Perea:

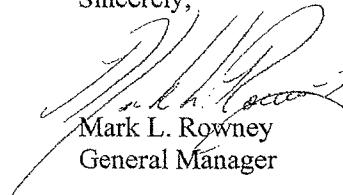
The Mariposa Public Utility District (MPUD) provides water, wastewater, and fire protection services to the town of Mariposa. The MPUD service area qualifies as a disadvantaged community. MPUD will be completing the construction of a new surface water treatment facility this year at a cost of \$4.7 million. This project is funded sixty-four percent Safe Drinking Water Revolving Fund (SRF) and thirty-six percent California Proposition 50 (Prop. 50) funding program. Both funding programs are administered by the California Department of Public Health (CDPH) Drinking Water Program. Our experience with both funding programs through CDPH has been excellent. Payment requests have been processed in a timely manner and the CDPH staff clearly understands the priority of the State's public health mission.

MPUD recognizes that the intention of AB145 is to improve the State's ability to help disadvantaged communities currently without safe drinking water to develop a long term sustainable supply of safe drinking water. We have been the beneficiaries of assistance from the CDPH staff in operating, training, and evaluation of treatment processes. We do not recognize any advantage to public health with the transfer of the drinking water program to the State Water Resources Quality Control Board (SWRCB).

More important than the funding programs, CDPH successfully promotes and implements programs for clean, safe drinking water for public use. After reviewing the mission statements of CDPH and SWRCB, it is clear the State's drinking water program is a better fit with CDPH goals.

Please consider this letter as MPUD's respectful opposition to AB145.

Sincerely,



Mark L. Rowney
General Manager

MLR: rd

cc: Governor's Office
Assemblymember Frank Bigelow
Carl Carlucci, CDPH
Penny Carlo, Carollo Engineers
Dale Melville, Provost & Pritchard Consulting Group
Association of California Water Agencies (ACWA)

STATE WATER BOARD MEETING DECEMBER 4, 2012 item 7. Consideration of a proposed resolution adopting amendments to the California Code of Regulations, Title 23, Division 3, Chapter 26

My name is Mark Rowney. I am the General Manager of the Mariposa Public Utility District (MPUD) MPUD provides public water, wastewater and fire protection services in the town of Mariposa. The total full time staff consists of 6 employees including administrative staff. The four field employees are required to maintain certification in wastewater treatment, water treatment and water distribution. I have reviewed the draft changes to Title 23, Division 3, Chapter 26. I am of the opinion the draft regulation, without further amendments, will result in an unnecessary burden and not improve water quality with respect to agencies operating small (less than 1MGD) treatment facilities. Please consider the following comments.

1. Section 3671 Definitions – “Full time”:

Many agencies that operate small WWTFs also operate small water treatment facilities (WTF) and possibly other public services. The staff at many small agencies may spend a normal work day dividing time between all the services the particular agency provides. Some small WWTF do not require 8 hours per day of operator presence to perform tasks required for operation. There may be more than one operator that is certified in wastewater treatment, water treatment and water distribution to accommodate 7 day per week operator monitoring. Full time experience should include operating time at small treatment facilities that do not require 8 hours per day of operation activities, as certified by the Chief Plant Operator. Considering Mariposa PUD staffing where an operator may log four or even less hours per day at the WWTF, the proposed regulation may be interpreted to require an operator to work two years or more for one year of experience credit.

Adding the word “operator or” in three places before “operator in training” Deleting the words “only” and “solely”, replacing a portion of the last sentence “who is working less than an average of 40 hours per week” with “the Chief Plant Operator certifies the time claimed for experience is the total time required for the operation of the treatment facility” in note (3) may address the experience credit issue at small treatment facilities.

2. Section 3671 Definitions – “Sequencing batch reactor” (SBR)

Why include the second sentence “A programmable logic controller is used to monitor the time associated with the process stages to achieve specific treatment objectives”? If a facility does not use a programmable logic controller to operate an SBR process, is it no longer considered a SBR plant?

3. Section 3671 Definitions – “Wastewater treatment plant”

There may be some interpretation needed of the definition for a “wastewater treatment plant.” A new subsection has been added including privately owned facilities for which the Board or Regional Board has issued waste discharge requirements or permits. The definition section also

states that a wastewater treatment plant does not include on-site sewage treatment systems as defined in Section 13290 of the water code (subsurface disposal). There are privately owned WWTFs that have WDRs and/or permits issued but use on-site subsurface disposal. Do the draft regulations require certified operators for these facilities?

Water Code 3290 – “On-site sewage treatment systems” includes individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal.

5. Section 3675 – Classification of Waste Water Treatment Plants:

The draft regulation still includes a definition for extended aeration treatment however the treatment process is not included in the classification table. Current Regulation Section 3675 classifies extended aeration as a Class II treatment process. Without a specific classification for extended aeration treatment, by default, all extended aeration treatment would be classified as activated sludge. Therefore extended aeration facilities will require a Grade III certification as a minimum for the Chief Plant Operator.

Based on the “expected” knowledge level for a Grade II operator it seems appropriate to incorporate the current regulation concerning extended aeration into the proposed classification of wastewater treatment facilities.

The draft regulation will exacerbate the current problem of operator succession. There will be an immediate need for more Grade III operators. There will also be an economic impact on small communities that currently have extended aeration facilities. Grade III operators are usually paid more than Grade II operators.

If the draft regulation is adopted as is, the State Board should at least consider a 24 month plus compliance period for existing extended aeration treatment facilities.

Doc 25

The mission of the State Water Resources Control Board (SWRCB) is to preserve and enhance the quality of California's water resources and ensure their proper allocation and efficient use for the benefit of present and future generations. One aspect to accomplishing this mission is to ensure that operators of wastewater treatment facilities in the State meet the minimum level of competence; thereby, protecting the public health and the environment. The Legislature has given the State Water Board this responsibility. The SWRCB has adopted and periodically amends regulations defining experience and training requirements for operators of waste water treatment facilities (WWTF). To administer this responsibility, the State Water Board established the Office of Operator Certification in the Division of Financial Assistance.

WWTF Operator certification requirements are found in California Code of Regulations Title 23 Chapter 26. Different types and sizes of WWTF are classified based on the complexity of operation as class 1 through 5. Operator certifications also range from 1 (less difficult operation) to 5 (more complex operation). Many WWTF in small and rural communities are classified 1, 2 and sometimes 3 requiring operator certifications of 1, 2 or 3. Rural and small communities select the WWTF with 1 or 2 classification because the community wastewater is not subject to industrial and other types of waste that require more complex treatment techniques.

Recently the SWRCB adopted amendments to the operator certification regulations including;

- Higher operator certifications for some WWTF technologies that are more likely to be located in small and rural communities
- More complex operator experience requirements allowing less credit for work at smaller facilities that do not require full time operator attendance.
-

AMENDED IN ASSEMBLY APRIL 24, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 145

Introduced by Assembly Members Perea and Rendon

January 18, 2013

An act to add Sections 116271, 116272, and 116760.25 to the Health and Safety Code, relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

AB 145, as amended, Perea. State Water Resources Control Board: drinking water.

The California Safe Drinking Water Act (state act) provides for the operation of public water systems and imposes on the State Department of Public Health various duties and responsibilities. Existing law requires the department to conduct research, studies, and demonstration projects relating to the provision of a dependable, safe supply of drinking water, to adopt regulations to implement the state act, and to enforce provisions of the federal Safe Drinking Water Act.

This bill would transfer to the State Water Resources Control Board the various duties and responsibilities imposed on the department by the state act. *The bill would require these provisions to be implemented during the 2014–15 fiscal year.*

The Safe Drinking Water State Revolving Fund Law of 1997 establishes the Safe Drinking Water State Revolving Fund to provide grants or revolving fund loans for the design and construction of projects for public water systems that will enable suppliers to meet safe drinking water standards. Under that law, the department is responsible for administering the fund.

This bill would also transfer to the state board the authority, duties, powers, purposes, responsibilities, and jurisdiction of the department for the purposes of that law. *The bill would require these provisions to be implemented during the 2014–15 fiscal year.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Drinking water is a necessity of human life, and
- 3 contaminated drinking water can lead to sickness and death:
- 4 (1) California law provides that every human being has the right
- 5 to safe, clean, affordable, and accessible water adequate for human
- 6 consumption, cooking, and sanitary purposes.
- 7 (2) Providing safe drinking water is one of the most fundamental
- 8 duties of any government. While Californians rely on public water
- 9 systems operated by local agencies and utilities to deliver drinking
- 10 water to their homes and businesses, the State of California has a
- 11 duty to ensure that water is safe and clean.
- 12 (3) Water for drinking is a natural resource that is inherently
- 13 public. The people of California own the water within our borders,
- 14 and the state grants water rights only for its reasonable use for
- 15 beneficial purposes including human consumption.
- 16 (4) The California Constitution requires that all diversions and
- 17 use of water be reasonable, while the California Supreme Court
- 18 has recognized that the state holds a public trust responsibility over
- 19 California’s water resources.
- 20 (b) Groundwater provides a significant portion of California’s
- 21 drinking water, in urban and rural communities alike. From the
- 22 earliest days of statehood, communities relied on pumping
- 23 groundwater. While not all Californians enjoy groundwater
- 24 underlying their communities, those communities that have
- 25 groundwater have maximized its use for human consumption:
- 26 (1) Of the 8,700 public water systems, 7,800 rely on
- 27 groundwater, at least in part. These public water systems draw on
- 28 more than 15,000 wells, while individual landowners draw drinking
- 29 water from thousands more private wells.

1 (2) Overall, groundwater supplies one-third of the water used
2 in California in a typical year, and in drought years, as much as
3 one-half.

4 (3) Nationally, according to the United States Geological Survey,
5 51 percent of Americans rely on groundwater for drinking,
6 including 99 percent of the nation’s rural population. Groundwater
7 provides 22 percent of all fresh water.

8 (c) The governance of California’s groundwater resources is
9 diffused among many public agencies and private parties:

10 (1) Landowners enjoy a right to use water lying under their
11 lands for beneficial uses on the surface. When landowners in a
12 basin draw too much water out of their aquifer, commonly called
13 “overdraft,” they may go to a court to adjudicate how much water
14 each landowner may take out.

15 (2) Based on an adjudication of an aquifer or litigation over
16 groundwater contamination, a court may structure the management
17 of an individual aquifer to address overdraft or groundwater
18 contamination.

19 (3) Water agencies and groundwater users may voluntarily
20 establish a joint program to manage the aquifer on which they rely.

21 (4) Counties may exercise their police powers to address certain
22 groundwater issues, including the drilling and operation of
23 groundwater wells. County public health officers also may provide
24 oversight to or regulate the smaller public water systems in their
25 jurisdiction that rely on groundwater.

26 (5) In state government, the State Water Resources Control
27 Board (the board) has responsibility for protecting groundwater
28 quality and may adjudicate groundwater rights under certain
29 circumstances. The State Department of Public Health (the
30 department) has responsibility for overseeing the operation of
31 public water systems that use groundwater to provide drinking
32 water. The board may regulate drinking water source quality but
33 not the public water system. The department may regulate the
34 public water system, but not the water source.

35 (d) The Legislature has sought to address the difficulties of
36 communities that suffer poor drinking water quality, especially
37 those in communities that lack the financial resources to resolve
38 their drinking water problems:

39 (1) In 2008 the Legislature approved Senate Bill 1 of the Second
40 Extraordinary Session of 2008, to address nitrate contamination

1 in the Tulare Lake Basin and the Salinas Valley. That law required
2 study and development of pilot projects to better understand and
3 remediate nitrate contamination in those regions. As required, the
4 board studied and prepared a report addressing nitrate
5 contamination, which was delivered to the Legislature in 2013.

6 (2) In 2009, the Legislature adjusted the safe drinking water
7 program to maximize use of federal stimulus funds available to
8 communities that lack the resources to improve their water quality
9 to meet safe drinking water standards.

10 (3) In each annual Budget Act, the Legislature has appropriated
11 funding available from a variety of sources, including
12 voter-approved general obligation bonds, to fix public water
13 systems that do not provide safe drinking water.

14 (e) In order to provide Californians with a comprehensive system
15 to protect their groundwater for drinking water, the state needs a
16 consolidated and comprehensive strategy and program for
17 protecting and improving the quality of California's drinking water
18 resources, especially from groundwater. The state needs to improve
19 the quality and availability of groundwater for those communities
20 that rely on groundwater for drinking. State and local leaders need
21 to address the conflicts inherent in competing demands for
22 high-quality groundwater.

23 (f) The most effective way to create a consolidated and
24 comprehensive strategy to ensure safe drinking water for all
25 Californians is consolidating all water quality programs into the
26 one state agency whose primary mission relates to water quality,
27 the board. The benefits of that consolidation are numerous,
28 including the following:

29 (1) Greater focus of financial and staff support for the drinking
30 water program.

31 (2) More coordination and less duplication among programs
32 addressing drinking water quality.

33 (3) Greater efficiencies of scale and shared resources, resulting
34 in overall lower costs.

35 (4) Broader array of expertise concentrated on drinking water
36 quality, with agency experience in water quality science and policy.

37 (5) Coordination between water source protection and drinking
38 water treatment programs.

1 (6) More accountability for drinking water programs, with a
2 unified agency that has responsibility for oversight and funding
3 and a five-member expert board that makes decisions in public.

4 (7) Improved understanding and coordination between water
5 quality and water rights programs.

6 (8) Consolidated reporting of water use and quality in one
7 agency.

8 (9) Agency experience in fighting fraud, as part of the
9 Underground Storage Tank Cleanup Fund.

10 (10) Consolidated funding programs for related water resources,
11 including both source water protection and wastewater treatment.

12 (11) Combined agency experience in working with the private
13 sector to leverage public funds for public purposes.

14 (12) A board decision process that allows for public airing of
15 the conflicts inherent in managing critical and limited water
16 resources.

17 (g) Crafting the most effective management structure for
18 achieving a comprehensive strategy for protecting drinking water
19 quality requires broad public participation. It is the intent of the
20 Legislature to lead a public process that includes all stakeholders
21 and agencies that may be affected by these reforms to assess the
22 issues and options for fulfilling the state's responsibilities to ensure
23 drinking water quality for all Californians.

24 SEC. 2. Section 116271 is added to the Health and Safety Code,
25 to read:

26 116271. The Legislature finds and declares the following:

27 (a) It is the intent of the Legislature to make the most effective
28 use of California's limited water and financial resources to ensure
29 that all communities, regardless of socioeconomic status, enjoy
30 access to safe and clean drinking water, consistent with the human
31 right to safe, clean, affordable, and accessible water recognized in
32 Section 106.3 of the Water Code.

33 (b) The objectives of this 2013 reorganization of the state's
34 drinking water program include the following:

35 (1) Maximize the efficiency and effectiveness of drinking water,
36 groundwater, and water quality programs in a single agency whose
37 primary mission is water quality as follows:

38 (A) Consolidate regulatory and financing programs into a single
39 state agency that is most focused on protection of California water
40 quality, the State Water Resources Control Board.

1 (B) Provide a one-stop agency where communities can obtain
2 comprehensive technical assistance that helps resolve all their
3 water quality challenges.

4 (C) Minimize administrative costs and interagency differences
5 on water quality issues.

6 (2) Create a comprehensive water quality program that addresses
7 water quality at all stages of the hydrologic cycle as follows:

8 (A) Connect source water protection and wastewater treatment
9 options to create a comprehensive strategy to protect water quality
10 throughout the hydrologic cycle.

11 (B) Provide comprehensive protection of groundwater quality
12 for drinking water purposes for all Californians.

13 (C) Improve the management of California’s groundwater
14 resources that are used for drinking and other human consumption
15 purposes.

16 (D) Focus heightened public attention and government resources
17 on protecting the particular groundwater aquifers that provide
18 drinking water.

19 SEC. 3. Section 116272 is added to the Health and Safety Code,
20 to read:

21 116272. The State Water Resources Control Board succeeds
22 to and is vested with all of the authority, duties, powers, purposes,
23 responsibilities, and jurisdiction of the department for the purposes
24 of this part. ~~The Division of Drinking Water and Environmental~~
25 ~~Management of the State Department of Public Health shall~~
26 ~~become the~~ of this part. The Division of Drinking Water Quality
27 of the State Water Resources Control Board shall carry out the
28 functions described in this section. All references to the department
29 in this part shall be construed to refer to the State Water Resources
30 Control Board. This section shall not be construed to impair the
31 authority of a local health officer to enforce this chapter or a
32 county’s election not to enforce this chapter, as provided in Section
33 116500. The State Water Resources Control Board shall accept
34 responsibility for enforcing this chapter pursuant to a contract, as
35 provided in Section 116500. *This section shall be implemented*
36 *during the 2014–15 fiscal year.*

37 SEC. 4. Section 116760.25 is added to the Health and Safety
38 Code, to read:

39 116760.25. The State Water Resources Control Board succeeds
40 to and is vested with all of the authority, duties, powers, purposes,

1 responsibilities, and jurisdiction of the department for the purposes
2 of this chapter. All references to the department in this chapter
3 shall be construed to refer to the State Water Resources Control
4 Board. *This section shall be implemented during the 2014–15 fiscal*
5 *year.*

O

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
06/11/13	

To: Board of Supervisors

Date: June 3, 2013

From: Chuck Iley, CAO Phone Ext. _____

(Department Head - please type)

Department Head Signature _____

Agenda Title: Discussion of Impacts of Changes to PERS Smoothing Policy

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 The CAO will review the anticipated impact to Amador County due to the recent changes to the PERS smoothing policy.

Recommendation/Requested Action:

For Information Only

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman Rmf Counsel GG

Auditor Ed GSA Director Map

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 13

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____ of _____	For meeting _____ of _____	ATTEST: _____ Clerk or Deputy Board Clerk

Save




**AMADOR COUNTY
ADMINISTRATIVE AGENCY**

County Administration Center
810 Court Street • Jackson, CA 95642-9534
Telephone: (209) 223-6470
Facsimile: (209) 257-0619
Website: www.co.amador.ca.us

May 31, 2013

MEMORANDUM

TO: Amador County Board of Supervisors

FROM: Chuck Iley, County Administrative Officer 

RE: Effects of Changes in CalPERS Smoothing Policy

I have attached a memorandum from CalPERS that details the changes that they have made to their smoothing policy and identifies how a County can determine what will be happening to their retirement contributions as this new policy is implemented.

To summarize the memo, CalPERS is shifting from a 15 year smoothing period to a 5 year period, with obligations amortized over a fixed 30 year period rather than the rolling 30 year period utilized previously. This means that in the event that the investments do not yield the anticipated amounts, then the smoothing goes into effect at a much faster rate. This will require an employer to contribute more to make up for funds that were not realized through investment returns, and will result in rates that can vary significantly along with the stock market.

The memo also includes a discussion of exactly how an organization will be affected by this change. A table is provided in the memo that ties a fund's increase in contribution rate to the fund's asset volatility ratio (AVR). The AVRs for the Amador County's retirement funds are as follows:

<u>Unit</u>	<u>AVR</u>	<u>Increase due to smoothing change</u>	<u>Orig. 14/15 Contrib.</u>	<u>Revised 14/15 Contrib.</u>
Miscellaneous 2%@55:	4.8	1.34%	17.40%	18.74%
Safety 3% @50:	8.6	2.44%	34.30%	36.74%
Safety 3%@55:	7.0	1.95%	22.30%	24.25%
Safety Local Pros. 2%@50	5.9	1.67%	23.00%	24.67%

The increases are changes as a percentage of salary, not as a change in contribution. These increases will also occur every year for the next five years, so the 15/16 rates will increase by the same amount due to smoothing.

If you have any questions, please let me know.



California Public Employees' Retirement System
P.O. Box 942709
Sacramento, CA 94229-2709
(888) CalPERS (or 888-225-7377)
TTY: (877) 249-7442
www.calpers.ca.gov

Reference No.:
Circular Letter No.: 200-019-13
Distribution: VI
Special:

Circular Letter

April 26, 2013

TO: ALL PUBLIC AGENCY EMPLOYERS

SUBJECT: EMPLOYER RATE INCREASES DUE TO AMORTIZATION
AND SMOOTHING POLICY CHANGES

The purpose of this Circular Letter is to inform you of recent changes to the CalPERS amortization and smoothing policies. **These changes are expected to increase employer contribution rates in the near term but result in lower contribution rates in the long term.**

Background

At the April 17, 2013 meeting, the CalPERS Board of Administration approved a recommendation to change the CalPERS amortization and smoothing policies. Prior to this change, CalPERS employed an amortization and smoothing policy which spread investment returns over a 15-year period with experience gains and losses paid for over a rolling 30-year period. After this change, CalPERS will employ an amortization and smoothing policy that will pay for all gains and losses over a fixed 30-year period with the increases or decreases in the rate spread directly over a 5-year period.

The new amortization and smoothing policy will be used for the first time in the June 30, 2013 actuarial valuations. These valuations will be performed in the fall of 2014 and will set employer contribution rates for the Fiscal Year 2015-16.

Analysis

The current amortization and smoothing policy was designed to reduce volatility in employer contribution rates. The policy has accomplished this goal fairly well since its adoption, however a number of concerns have developed:

- The use of an actuarial value of assets corridor can lead to significant single year increases to rates in years when there are large investment losses.
- The use of long asset smoothing periods and long rolling amortization periods result in slow progress toward full funding.
- The use of an actuarial value of assets requires the disclosure of two different funded statuses and unfunded liability numbers in actuarial valuation reports. This adds confusion and inhibits transparency.
- The use of rolling amortization and long asset smoothing periods makes it difficult for employers to predict when contribution rates will peak and how high that peak will be.

- The use of rolling amortization and asset smoothing periods may result in additional calculations for the new accounting standards. These calculations would be avoided with a quicker funded status recovery.

The adoption of the new smoothing and amortization policies will change future employer contribution rates. Changes are as follows:

- Funding levels will improve, which will reduce the funding level risk. The new methods will put your plan on a path to be fully funded in 30 years.
- Your plan will experience more rate volatility in normal years, but a much reduced chance of very large rate increases in years when there are large investment losses.
- Contribution rates in the near term will increase.
- Long term contribution rates will be lower.
- There will be greater transparency about the timing and impact of future employer contribution rate changes.
- The new policy eliminates the need for an actuarial value of assets. As a result, there will be only one funded status and unfunded liability in actuarial reports.
- There will be less confusion when the new accounting standards are implemented since there will be no need for extra liability calculations.

Expected Rate Increases Due to Changes

The following table can be used to gauge your agency's expected increase in employer contribution rates under the new amortization and smoothing policy.

The illustrated rates are based on public agency asset volatility ratios. The asset volatility ratio (AVR) is an agency's assets divided by their annual payroll. This ratio provides a measure of how sensitive an agency's contribution rate will be due to investment returns. For pooled plans, the AVR is the asset volatility ratio of the pool. Your plans AVR is provided in the risk analysis section of your annual actuarial report. The table shows the projected increases in employer contribution rates for Fiscal Years 2015-16 through 2019-20, assuming CalPERS earns 7.50 percent after 2011-12. Projections for Fiscal Year 2014-15 are not affected. As an extreme example, we have included a plan with an AVR of 15.

Cumulative Projected Increase in Employer Contribution Rate beyond the Projected Fiscal Year 2014-15 Rate

Fiscal Year	AVR of 4	AVR of 6	AVR of 8	AVR of 10	AVR of 15
2015 – 2016	1.1%	1.7%	2.2%	2.8%	4.2%
2016 – 2017	2.2%	3.4%	4.4%	5.6%	8.4%
2017 – 2018	3.3%	5.1%	6.6%	8.4%	12.6%
2018 – 2019	4.4%	6.8%	8.8%	11.2%	16.8%
2019 – 2020	5.5%	8.5%	11.0%	14.0%	21.0%

Circular Letter No.: 200-019-13
April 26, 2013
Page 3

For example, suppose your agency has an estimated 2014-15 contribution rate of 14.5 percent and an AVR of 4. Referring to the table above, under the AVR of 4 column, you can expect to see a 1.1 percent increase in your current employer contribution rate for 2015-16 resulting in a 15.6 percent rate, a 2.2 percent increase for 2016-17 for a 16.7 percent rate, and so forth until the rate reaches an expected maximum of 20.0 percent in Fiscal Year 2019-20.

Be aware these are only estimates since we do not know the final return on investments beyond June 30, 2012. Your employer rate will also differ due to your own plans demographic experience, or if you are in a pool, due to the pool's demographic experience.

Overall, these contribution increases will result in your plan being better funded in time and will ultimately result in lower contribution rates.

If you have any questions, please call our CalPERS Customer Contact Center at **888 CalPERS** (or 888-225-7377).

ALAN MILLIGAN
Chief Actuary

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: June 5, 2013

From: Chuck Iley, County Administrative Officer
 (Department Head - please type)

Phone Ext. _____

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>June 11, 2013</u>	

Department Head Signature _____

Agenda Title: 2013-2014 Proposed Budget

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Discussion and possible action relative to approval of the 2013-2014 Proposed Budget.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____
 Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
Committee Review? N/A <input type="checkbox"/> Name _____ Committee Recommendation: _____	

Request Reviewed by:

Chairman <u>[Signature]</u>	Counsel <u>GC</u>
Auditor <u>[Signature]</u>	GSA Director <u>[Signature]</u>
CAO <u>[Signature]</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date <u>6-11-13</u>	Time _____	Item # <u>14</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____	Ordinance _____
Noes _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	Other: _____

Distributed on _____	A new ATF is required from _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	Department _____	ATTEST: _____
	For meeting _____	Clerk or Deputy Board Clerk
	of _____	

Save

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: June 5, 2013

From: Chuck Iley, County Administrative Officer
 (Department Head - please type)

Phone Ext. _____

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>June 11, 2013</u>	

Department Head Signature _____

Agenda Title: Minutes

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Discussion and possible action relative to approval of the May 14th and May 28th Board of Supervisors Meeting Minutes.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____
 Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
Committee Review? N/A <input type="checkbox"/> Name: _____ Committee Recommendation: _____	

Request Reviewed by:

Chairman <u>[Signature]</u>	Counsel <u>GG</u>
Auditor <u>[Signature]</u>	GSA Director <u>Hop</u>
CAO <u>[Signature]</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date <u>6-11-13</u>	Time _____	Item # <u>15</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	Other: _____

Distributed on _____	A new ATF is required from _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____	Department _____ For meeting of _____	

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: June 5, 2013

From: Susan C. Grijalva
(Department Head - please type)

Phone Ext. X 380

- | | |
|-------------------------------------|----------------|
| <input checked="" type="checkbox"/> | Regular Agenda |
| <input type="checkbox"/> | Consent Agenda |
| <input type="checkbox"/> | Blue Slip |
| <input type="checkbox"/> | Closed Session |

Meeting Date Requested:

June 11, 2013

Department Head Signature Susan C. Grijalva

Agenda Title: SCHWANKI, William and Gail - Zone change from "AG," Exclusive Agriculture District to "R1A," Single Family Residential and Agricultural Dist.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Consideration of Planning Commission's recommendation to approve a request for a zone change from "AG," Exclusive Agriculture District for a 2.21 acre portion of a parcel proposed for a Boundary Line Adjustment (#2013-002) with the adjacent parcel zoned "R1A," Single Family Residential and Agricultural District. Property located north of Mt. Whitney Rd. approximately 1,200 feet north of Fiddletown Rd. about 1.5 miles east of Fiddletown.

Recommendation/Requested Action:

Adopt ordinance approving the zone change from "AG" to "R1A" for the 2.21 acre area to be adjusted by Bndry Line Adj. #2013-002

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Resolution Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Ordinance Attached:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Committee Review? N/A

Name Planning Commission

Committee Recommendation: Approval.

Comments: _____

Request Reviewed by:

Chairman [Signature]

Counsel GG

Auditor [Signature]

GSA Director Hop

CAO _____

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Planning

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 16

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____
Completed by _____	Department _____
	For meeting _____
	of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
Clerk or Deputy Board Clerk

**STAFF REPORT TO: AMADOR COUNTY BOARD OF SUPERVISORS
FOR MEETING OF JUNE 11, 2013.**

ITEM 2 - PUBLIC HEARING – Request for zone change for a portion of a parcel involved in an Boundary Line Adjustment from the “AG,” Exclusive Agricultural district to the “R1A,” Single Family Residential and Agricultural district (APN: 014-220-062-000).

APPLICANT: Dennis Mickel, agent for William Schwanki & Gail Sielski
SUPERVISORIAL DISTRICT: V

LOCATION: The property is located on the north side of Mt. Whitney Drive approximately 1,200’ north of Fiddletown Road.

A. GENERAL PLAN DESIGNATION: A-G, Agricultural-General

B. CURRENT ZONING: “AG,” Exclusive Agricultural

C. DESCRIPTION: This application is a request for a Zone Change to accommodate a Boundary Line Adjustment. Following a recent survey of the Mickel property, it was noted that a second family dwelling on their property encroached into the adjoining Schwanki/Sielski parcel. Mr. Schwanki and Ms. Sielski agreed to sell approximately 2.2 acres to the Mickels in order to correct the encroachment; however, before the Boundary Line Adjustment can take place, the land included in the transfer needs to be rezoned to match the Mickels’ current “R1A” zoning.

D. STAFF REVIEW: A review of the Use Permit was conducted by staff who found the project will not have a significant effect on the environment and is Categorically Exempt according to Appendix B subsection (c)(9) of the Amador County CEQA Guidelines and Section 15305, Class 5 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

E. PLANNING COMMISSION RECOMMENDATION: At the May 14, 2013 Planning Commission meeting (see attached minutes and staff report) the Planning Commission unanimously recommended approval of the zone change with the following findings and conditions to the Board of Supervisors:

Findings:

- 1. The Zone Change is consistent with the surrounding land uses and the Amador County General Plan, Land Use Element, at this location; and,*
- 2. A review of the proposal was conducted by staff, through their own research who found that the Zone Change will not have a significant effect on the environment and is Categorically Exempt according to Appendix B*

subsection (c)(9) of the Amador County CEQA Guidelines and Section 15305, Class 5 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING SECTIONAL ZONING DISTRICT MAP NO. N-200 PURSUANT TO SECTION 19.20.020 OF THE AMADOR COUNTY CODE BY REZONING CERTAIN REAL PROPERTY FROM THE “AG,” EXCLUSIVE AGRICULTURE DISTRICT TO “R1A,” SINGLE-FAMILY RESIDENTIAL-AGRICULTURAL DISTRICT IN CONJUNCTION WITH A BOUNDARY LINE ADJUSTMENT (#2013-002) BETWEEN WILLIAM AND GAIL SCHWANKI AND THE MICKEL FAMILY TRUST.

The Board of Supervisors of the County of Amador, State of California, do ordain:

SECTION I. Recitals of Fact.

WHEREAS, Chapter 19.68 (Amendments) of the Amador County Code provides for a procedure to amend Title 19 (Zoning) or to rezone property in Amador County; and

WHEREAS, rezoning requires an ordinance amending Sectional Zoning District Maps established in accordance with Section 19.20.020 of Title 19 (Zoning); and

WHEREAS, all notices and public hearings mandated by the State Planning Law and Title 19 (Zoning) of the Amador County Code have been adhered to by the Amador County Planning Commission and Board of Supervisors; and

WHEREAS, the Board of Supervisors adopts this ordinance with the findings contained in the pertinent Board minutes and because the public necessity, convenience, and general welfare require such an amendment.

SECTION II. Section 19.20.020 of the Amador County Code is amended by amending Sectional Zoning District Map No. N-200 (Z.C. No. 13;4-1) to change the zoning from the “AG,” Exclusive Agriculture District to the “R1A,” Single-Family Residential and Agricultural District, on that certain real property being approximately 2.2 acres located north of Mt. Whitney Dr. approximately 1,200 feet north of Fiddletown Rd. about 1.5 miles east of Fiddletown and specifically that property described in Attachment A, which is attached hereto and is more particularly described as:

That certain parcel of land delineated and designated as “ADJ. AREA 2.21 Acres”, as shown and so designated upon that certain official map entitled ‘RECORD OF SURVEY BOUNDARY LINE ADJUSTMENT for DENNIS D. MICKEL, Trustee of the Mickel Family Trust dated August 22, 1997 and WILLIAM SCHWANKI and GAIL SCHWANKI’, and recorded in the office of the Recorder of Amador County in Book _____ of Maps and Plats at Page ____.

SECTION III. This ordinance shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective upon the recordation of the Boundary Line Adjustment (#2013-002).

The foregoing ordinance was duly passed and adopted at a regular session of the Board of Supervisors of the County of Amador, held on the 11th day of June, 2013, by the following vote:

AYES:

NOES:

ABSENT:

CHAIRMAN, Board of Supervisors

ABSENT:

CHAIRMAN, Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California

By _____

(ORDINANCE NO. XXXX)

(XX/XX/XX)

STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION FOR MEETING OF MAY 14, 2013.

ITEM 2 - PUBLIC HEARING – Request for zone change for a portion of a parcel involved in an Boundary Line Adjustment from the “AG,” Exclusive Agricultural district to the “R1A,” Single Family Residential and Agricultural district (APN: 014-220-062-000).

APPLICANT: Dennis Mickel, agent for
William Schwanki & Gail Sielski

SUPERVISORIAL DISTRICT: V

LOCATION: The property is located on the north side of Mt. Whitney Drive approximately 1,200’ north of Fiddletown Road.

- A. DESCRIPTION:** This application is a request for a Zone Change to accommodate a Boundary Line Adjustment. Following a recent survey of the Mickel property, it was noted that a second family dwelling on their property encroached into the adjoining Schwanki/Sielski parcel. The Mr. Schwanki and Ms. Sielski agreed to sell approximately 2.2 acres to the Mickels in order to correct the encroachment; however, before the Boundary Line Adjustment can take place, the land included in the transfer needs to be rezoned to match the Mickels’ current “R1A” zoning.
- B. STAFF/TAC REVIEW:** A review of the Use Permit was conducted by staff who found the project will not have a significant effect on the environment and is Categorically Exempt according to Appendix B subsection (c)(9) of the Amador County CEQA Guidelines and Section 15305, Class 5 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.
- C. PLANNING COMMISSION ACTION:** The first action of the Planning Commission should be a decision on the adequacy of the environmental document, proposed to be a Categorical Exemption. Next, the Commission must make a recommendation on the requested Zone Change to the Board of Supervisors.
- D. FINDINGS:** If the Planning Commission recommends approval of this project, the following findings (1-2) are recommended for adoption:
1. The Zone Change is consistent with the surrounding land uses and the Amador County General Plan, Land Use Element at this location; and,
 2. A review of the proposal was conducted by staff, through their own research who found that the Zone Change will not have a significant effect on the environment and is Categorically Exempt according to Appendix B subsection (c)(9) of the Amador County CEQA Guidelines and Section 15305, Class 5 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

TRANSPORTATION AND PUBLIC WORKS

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395 •
Email: PublicWorks@amadorgov.org • Website: www.amadorgov.org



MEMORANDUM

TO: Chuck Beaty, Planner III

FROM: Roger A. Stuart, Assistant in Civil Engineering II *RAS*

DATE: April 18, 2013

SUBJECT: Proposed project conditions for Schwanki Zone Change

The Public Works Agency has no proposed conditions for this proposed Zone Change.

RECEIVED
Amador County

APR 19 2013

PLANNING DEPARTMENT



Planning Department <planning@amadorgov.org>

Zone Change; Schwanki/Sielski

1 message

Mike Israel <[REDACTED]>
To: Planning Department <planning@amadorgov.org>

Thu, Apr 11, 2013 at 4:35 PM

April 11, 2013

This office has no objection to the proposed zone change involving 2.21 acres of APN 014-220-064. We understand that this portion of the property is in the process of being transferred to APN 014-270-002 via BLA #2013-002 and that the zone change provides consistence between parcel boundaries and zoning boundaries.

Thanks,

Mike

--

Michael W. Israel, REHS
Director of Environmental Health
810 Court Street
Jackson, CA 95642
voice: (209) 223-6439
fax: (209) 223-6228



**PLANNING DEPARTMENT
LAND USE AGENCY**

Page 4 of 8
County Administration Center
810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6380
Website: www.co.amador.ca.us
E-mail: planning@amadorgov.org

APPLICATION REFERRAL

TO: Michael Israel, Environmental Health
Roger Stuart, Transportation and Public Works
Rich Millar, Building Department
Greg Gillott, County Counsel

DATE: April 10, 2013

FROM: Chuck Beatty, Planner III *CB*

PROJECT: Request by William & Gail Schwanki for a zone change on 2.21 acres of property from "AG," Exclusive Agriculture District to "R1A," Residential Single Family and Agricultural. The request is part of a Boundary Line Adjustment (#2013-002) that will necessitate rezoning and a Williamson Act contract amendment prior to approval of the BLA.

LOCATION: The property is located on the north side of Mt. Whitney Drive approximately 1,200' north of Fiddletown Road in the Fiddletown Community (APN 014-220-064).

REVIEW: At this time staff anticipates that a Categorical Exemption may be adopted for this project. Please provide your written comments, including any proposed conditions of approval, no later than **Monday, April 22, 2013**. Please contact the Planning Department if you feel the project needs to be reviewed by TAC. This proposal is scheduled to be heard by the Planning Commission on **May 14, 2013**.

cc: William & Gail Schwanki

To whom it may concern:

4/4/2013

We, Gail Sielski and William Schwanki a married couple, agree to authorize Dennis Mickel to file for a zoning change on 2.21 acres of land which we have transferred to him to resolve a property line discrepancy.



William Schwanki

Gail Sielski



DESCRIPTION FOR SCHWANKI and SIELSKI

A parcel of land situated in the County of Amador, State of California and being a portion of that certain parcel of land conveyed to William Schwanki and Gail Sielski by Grant Deed recorded in the office of the Recorder of Amador County as Document 1998 010504, and being more particularly described as follows:

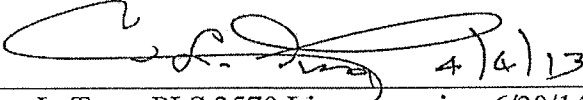
The Northeast ¼ of the Southeast ¼ (NE ¼ of SE ¼), and the West ½ of the Southeast ¼ (W 1/2 of SE ¼ of Section 35, Township 8 North, Range 11 East, Mount Diablo Meridian.

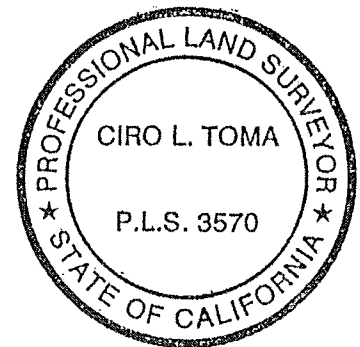
TOGETHER WITH any land which may have been acquired in those deeds from Gordon H. Truan, et ux, and Carl W. Moebius, et ux, recorded May 12, 1972 in Book 225 of Official Records at Page 695 and 696 respectively.

EXCEPTING THEREFROM any portions thereof which may have been conveyed in those certain deeds recorded May 12, 1972 in Book 225 of Official Records at page 699 and 700 respectively.

ALSO EXCEPTING THEREFROM that certain parcel of land delineated and designated as "8.98 Ac. 0.48 in County Road 8.50 Ac. Net" upon that certain official map entitled "RECORD of SURVEY for ROBERT D. HAYS", and recorded in Book 42 of Maps and Plats at Page 92, Amador County Records.

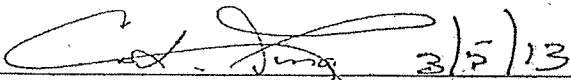
ALSO EXCEPTING THEREFROM that certain parcel of land delineated and designated as "ADJ. AREA 2.21 Acres", as shown and so designated upon that certain official map entitled "RECORD OF SURVEY BOUNDARY LINE ADJUSTMENT for DENNIS D. MICKEL, Trustee of the Mickel Family Trust dated August 22, 1997 and WILLIAM SCHWANKI and GAIL SIELSKI", and recorded in the office of the Recorder of Amador County in Book _____ of Maps and Plats at Page _____.

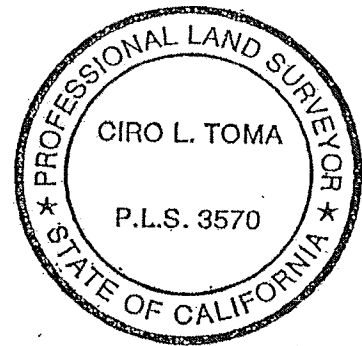

Ciro L. Toma PLS 3570 License expires 6/30/14



DESCRIPTION FOR MICKEL FAMILY TRUST
Adjusted Area 2.21 Acres

A parcel of land situated in the County of Amador, State of California, and being more particularly described as "ADJ. AREA 2.21 Acres", as shown and so designated upon that certain official map entitled "RECORD OF SURVEY BOUNDARY LINE ADJUSTMENT for DENNIS D. MICKEL, Trustee of the Mickel Family Trust dated August 22, 1997 and WILLIAM SCHWANKI and GAIL SIELSKP", and recorded in the office of the Recorder of Amador County in Book _____ of Maps and Plats at Page _____.


Ciro L. Toma PLS 3570 License expires 6/30/14



AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
June 11, 2013	

To: Board of Supervisors

Date: June 5, 2013

From: Susan C. Grijalva
(Department Head - please type)

Phone Ext. X380

Department Head Signature *Susan C. Grijalva*

Agenda Title: RAYMOND, Linda - Variance from County Code Sections 19.24.045(E) front building setback and 19.48.110 (M) setback from centerline of road.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Consideration of Planning Commission's recommendation to approve a request for a variance from County Code §19.24.045(E), which requires a twenty-five (25) foot front building setback in the "R1A," Single Family Residential and Agricultural District and 19.48.110(M), which requires structures to be setback a minimum of fifty (50) feet from the centerline of the traveled roadbed of all county and state highways, to allow construction of a solid masonry wall/fence within ten (10) feet of the front property line and forty-three (43) feet from the centerline of Ridge Road, and five (5) feet from the side property lines.

Recommendation/Requested Action:

Adopt resolution approving the variance from the front building setback and the setback from the centerline of the road.

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required?

Yes

No

Contract Attached:

Yes

No

N/A

Resolution Attached:

Yes

No

N/A

Ordinance Attached

Yes

No

N/A

Comments:

Committee Review?

N/A

Name Planning Commission

Committee Recommendation:

Approval.

Request Reviewed by:

Chairman *RMS*

Counsel *GC*

Auditor *EDJ*

GSA Director *HP*

CAO _____

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Planning.

FOR CLERK USE ONLY

Meeting Date

6-11-13

Time

Item #

17

Board Action: Approved Yes ___ No ___

Unanimous Vote: Yes ___ No ___

Ayes: _____

Resolution _____

Ordinance _____

Other: _____

Noes _____

Resolution _____

Ordinance _____

Absent: _____

Comments: _____

Distributed on

A new ATF is required from

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by

Department
For meeting
of

ATTEST: _____

Clerk or Deputy Board Clerk

Save

**STAFF REPORT TO: THE AMADOR COUNTY BOARD OF SUPERVISORS
FOR MEETING OF JUNE 11, 2013**

PUBLIC HEARING **Request by Linda Raymond for a Variance from County Code Sections 19.24.045(E) and 19.48.110(M) to allow for the construction of a concrete block wall/fence within 10 feet of the front property line (43 feet from the center line of Ridge Road) and 5 feet from the side property line in the "R1A" zone district. (APN 040-100-002).**

APPLICANT: Linda Raymond
SUPERVISORIAL DISTRICT IV

LOCATION: 12995 Ridge Road, approximately 1.4 miles east of CA Hwy 49

- A. GENERAL PLAN DESIGNATION:** R-S, Residential-Suburban
- B. PRESENT ZONING:** "R1A," Residential Single Family and Agricultural
- C. DESCRIPTION:** The applicant is proposing to construct a solid concrete block wall/fence within 10 feet of the front property line and 5 feet from the side property lines. The wall will have a height of 4 to 10 feet, and is intended to block noise from Ridge Road. Section 19.24045(E) of the County Code requires a "minimum structural setback from public roads of twenty five feet from the front property line..." Section 19.40.110(M) states, "the distance of fifty feet measured at right angles to the centerline of the traveled roadbed of all county and state highways is established as a minimum setback for all buildings or structures erected or constructed after October 14, 1959, in any part of the unincorporated area of the county, and no part of any building or structure hereafter erected shall extend to a point closer to said line than said minimum."
- D. STAFF RECOMMENDATION:** This request has been reviewed by staff which found no technical objection to the variance. Because the wall will require an engineered footing and will have a height up to 10 feet, staff considers the fence/wall to meet the definition of a "structure" per Section 19.08.590 of the Amador County Code: ""Structure" means anything constructed or erected, (except fences under six feet in height or telephone booths) the use of which requires location on or in the ground or attachment to something having location on or in the ground but not including any trailer court." As a structure, the wall/fence cannot be located within the typical building setback area without a variance. Meeting the required building setback of 25 feet would place the wall within 17 feet of the front of the dwelling.
- E. PLANNING COMMISSION RECOMMENDATION:** At the May 14, 2013 Planning Commission meeting (see attached minutes and staff report) the Planning Commission unanimously recommended approval of the variance request with the following findings and conditions to the Board of Supervisors:

Findings:

1. *This variance does not constitute the granting of a special privilege inconsistent with the limitations to which other lots in the vicinity with like zoning are subject;*
2. *Due to the location of the existing dwelling and the slope of the lot, the strict application of the front building setback is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications; and*
3. *This variance will not have a significant adverse effect on the environment and is categorically exempt according to Section 15305, Class 5 (minor setback variance not resulting in the creation of any new parcel) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.*

Conditions:

1. *The project shall be substantially the same as that which has been submitted and approved (see attached plot plan);*
2. *A minimum of 10 feet from the front property line and 5 feet from the side property lines shall be maintained; and,*

3. *If the variance has not been used within one year after a date of granting thereof, then without further action by the Planning Commission or Board of Supervisors, the variance granted shall be null and void.*

Recording requested by:
BOARD OF SUPERVISORS
When recorded send to:
BOARD OF SUPERVISORS

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION APPROVING VARIANCE TO
COUNTY CODE §19.24.045 (“R1A” DISTRICT)
REGULATIONS REQUIRING A 25’ FRONT)
BUILDING SETBACK) AND §19.48.110(M)
(STRUCTURES TO BE 50’ FROM CENTERLINE OF)
ROADS) TO ALLOW CONSTRUCTION OF A)
SOLID MASONRY WALL/FENCE AT 12995 RIDGE)
ROAD (APN 040-100-002) – LINDA RAYMOND)

RESOLUTION NO. 13-XXXX

BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California, that said Board does hereby approve a request for variance from County Code §19.24.045(E), which requires a twenty-five (25) foot front building setback in the “R1A,” Single Family Residential and Agricultural District and 19.48.110(M), which requires structures to be setback a minimum of fifty (50) feet from the centerline of the traveled roadbed of all county and state highways, to allow construction of a solid masonry wall/fence within ten (10) feet of the front property line and forty-three (43) feet from the centerline of Ridge Road, and five (5) feet from the side property lines (see Attachment "A").

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 11th day of June, 2013, by the following vote:

AYES:
NOES:
ABSENT:

CHAIRMAN, Board of Supervisors

ATTEST:

JENIFER BURNS, Clerk of the
Board of Supervisors, Amador County,

California

By

(RESOLUTION NO. 13-XXX)

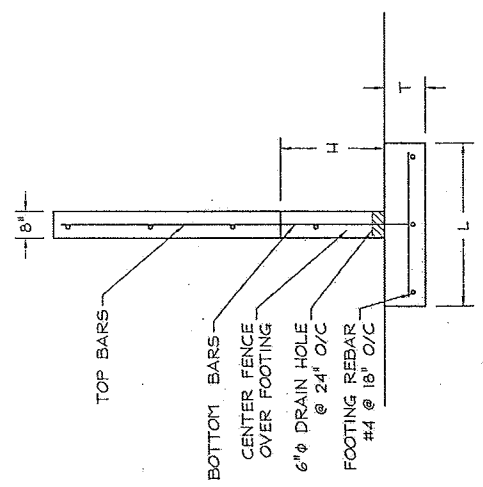
()

RAYMOND PRIVACY FENCE

FENCE SCHEDULE

Wall Height	Minimum Dimensions			Horizontal Bars		Vertical Bars	
	H	T	L	Top Bars	Bottom Bars		
0' to 4'	N/A	14"	3'-6"	#4 @ 24" O/C	#4 @ 18" O/C		
4'-11" to 8'	N/A	14"	3'-6"	#4 @ 24" O/C	#4 @ 18" O/C		
8'-11" to 10'	2'-3"	14"	4'-6"	#4 @ 24" O/C	#4 @ 18" O/C		

* N/A is not applicable. Wall construction is continuous from footing to top of wall.

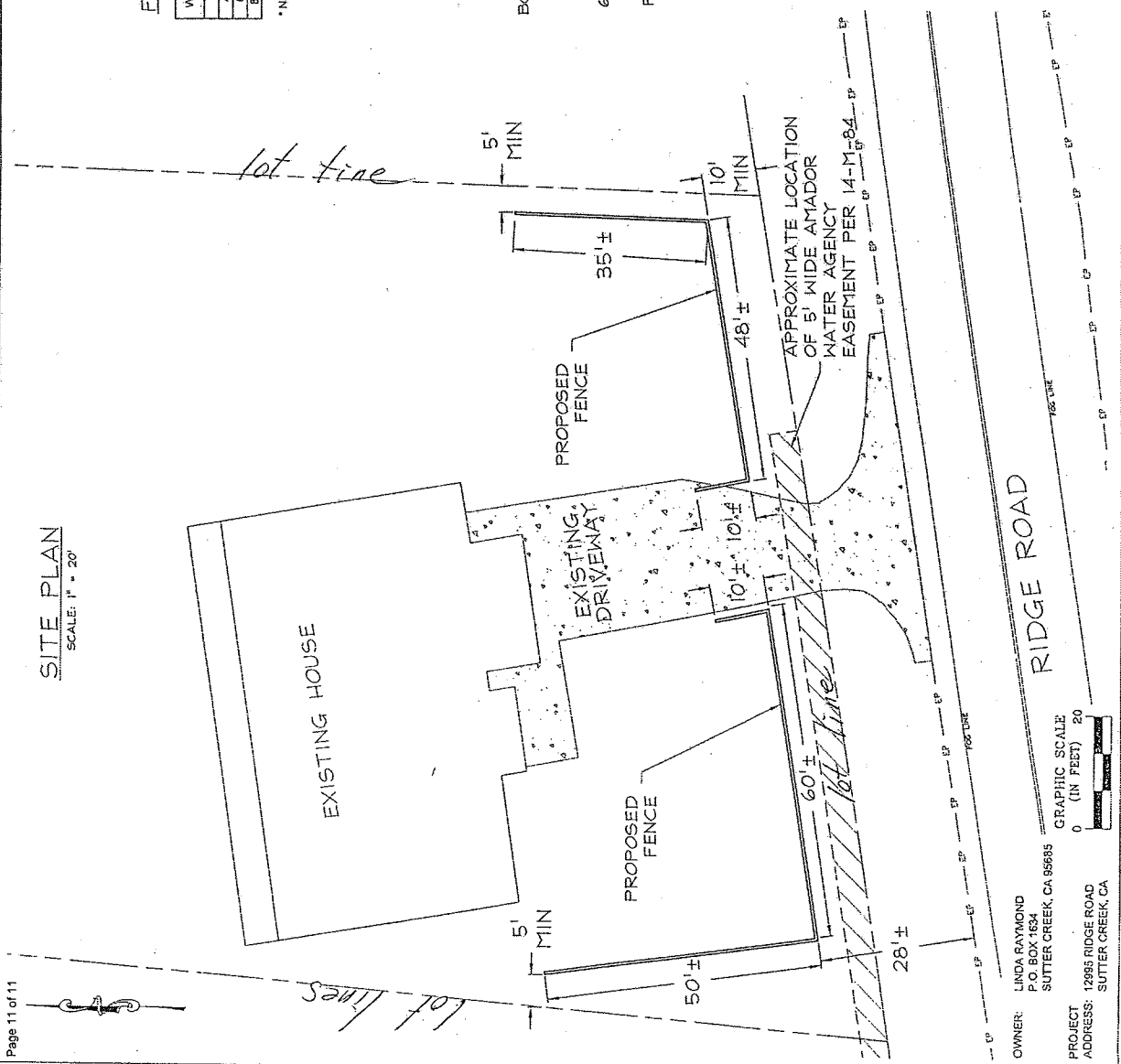


FENCE DETAIL
N.T.S.

- NOTES:
1. NORMAL WEIGHT CONCRETE MASONRY BLOCKS
 2. DOUBLE BOND BEAM AT TOP COURSE
 3. ALL CELLS SOLID GROUTED WITH TYPE M OR TYPE S MORTAR OR 3/8" MINUS CONCRETE.
 4. GRADE 60 REBAR LAP 40 BAR DIAMETERS MINIMUM.

SITE PLAN

SCALE: 1" = 20'



RIDGE ROAD

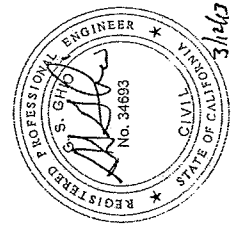
OWNER: LINDA RAYMOND
P.O. BOX 1624
SUTTER CREEK, CA 95685

PROJECT: 12985 RIDGE ROAD
ADDRESS: SUTTER CREEK, CA

DATE: MARCH 8, 2013 5:1 VA

GRAPHIC SCALE: 0 (IN FEET) 20

ATTACHMENT "A"



PLAN PREPARED BY:
S. Ghio
Professional Engineer
SAN ANDREAS, CA. 95249

STAFF REPORT TO: THE AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF MAY 14, 2013

ITEM 3 - Request by Linda Raymond for a Variance from County Code Sections 19.24.045(E) and 19.48.110(M) to allow for the construction of a concrete block wall/fence within 10 feet of the front property line (43 feet from the center line of Ridge Road) and 5 feet from the side property line in the "R1A" zone district. (APN 040-100-002).

APPLICANT: Linda Raymond
SUPERVISORIAL DISTRICT IV
LOCATION: 12995 Ridge Road, approximately 1.4 miles east of CA Hwy 49

A. GENERAL PLAN DESIGNATION: R-S, Residential-Suburban

B. PRESENT ZONING: "R1A," Residential Single Family and Agricultural

C. DESCRIPTION: The applicant is proposing to construct a solid concrete block wall/fence within 10 feet of the front property line and 5 feet from the side property lines. The wall will have a height of 4 to 10 feet, and is intended to block noise from Ridge Road. Section 19.24045(E) of the County Code requires a "minimum structural setback from public roads of twenty five feet from the front property line..." Section 19.40.110(M) states, "the distance of fifty feet measured at right angles to the centerline of the traveled roadbed of all county and state highways is established as a minimum setback for all buildings or structures erected or constructed after October 14, 1959, in any part of the unincorporated area of the county, and no part of any building or structure hereafter erected shall extend to a point closer to said line than said minimum."

D. STAFF RECOMMENDATION: This request has been reviewed by staff which found no technical objection to the variance. Because the wall will require an engineered footing and will have a height up to 10 feet, staff considers the fence/wall to meet the definition of a "structure" per Section 19.08.590 of the Amador County Code: "'Structure" means anything constructed or erected, (except fences under six feet in height or telephone booths) the use of which requires location on or in the ground or attachment to something having location on or in the ground but not including any trailer court." As a structure, the wall/fence cannot be located within the typical building setback area without a variance. Meeting the required building setback of 25 feet would place the wall within 17 feet of the front of the dwelling.

E. FINDINGS AND CONDITIONS: If the Planning Commission moves to recommend approval of the variance to the Board of Supervisors, the following findings conditions are recommended for adoption:

Findings:

1. *This variance does not constitute the granting of a special privilege inconsistent with the limitations to which other lots in the vicinity with like zoning are subject;*
2. *Due to the location of the existing dwelling and the slope of the lot, the strict application of the front building setback is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications; and*
3. *This variance will not have a significant adverse effect on the environment and is categorically exempt according to Section 15305, Class 5 (minor setback variance not resulting in the creation of any new parcel) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.*

Conditions:

1. *The project shall be substantially the same as that which has been submitted and approved (see attached plot plan);*
2. *A minimum of 10 feet from the front property line and 5 feet from the side property lines shall be maintained; and,*
3. *If the variance has not been used within one year after a date of granting thereof, then without further action by the Planning Commission or Board of Supervisors, the variance granted shall be null and void.*

TRANSPORTATION AND PUBLIC WORKS

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395 •
Email: PublicWorks@amadorgov.org • Website: www.amadorgov.org



MEMORANDUM

TO: Chuck Beaty, Planner III

FROM: Roger A. Stuart, Senior Project Engineer *RAS*

DATE: April 22, 2013

SUBJECT: Raymond Variance

RECEIVED
Amador County
APR 23 2013
PLANNING DEPARTMENT

The Public Works Agency has no proposed conditions for this variance



Planning Department <planning@amadorgov.org>

Variance Request; Raymond

1 message

Mike Israel <[REDACTED]>
To: Planning Department <planning@amadorgov.org>

Thu, Apr 11, 2013 at 3:48 PM

April 11, 2013

This office has no objection to the proposed variance to enable construction of a block wall, as depicted by the application for variance, at 12995 Ridge Road, APN 040-100-002.

Thanks,

Mike

--

Michael W. Israel, REHS
Director of Environmental Health
810 Court Street
Jackson, CA 95642
voice: (209) 223-6439
fax: (209) 223-6228




PLANNING DEPARTMENT
LAND USE AGENCY

Page 4 of 11
County Administration Center
810 Court Street • Jackson, CA 95642-2132
Telephone: (209) 223-6380
Website: www.co.amador.ca.us
E-mail: planning @amadorgov.org

APPLICATION REFERRAL

TO: Michael Israel, Environmental Health
Roger Stuart, Transportation and Public Works
Rich Millar, Building Department
Greg Gillott, County Counsel

DATE: April 10, 2013

FROM: Chuck Beatty, Planner III 

PROJECT: Request by Linda Raymond for a Variance from County Code Sections 19.24.045(E) and 19.48.110(M) to allow for the construction of a concrete block wall/fence within 10 feet of the front property line (43 feet from the road center line) and 5 feet from the side property line in the "R1A" zone district. Section 19.24045(E) requires a "*minimum structural setback from public roads of twenty five feet from the front property line...*" Section 19.40.110(M) states, "*the distance of fifty feet measured at right angles to the centerline of the traveled roadbed of all county and state highways is established as a minimum setback for all buildings or structures erected or constructed after October 14, 1959, in any part of the unincorporated area of the county, and no part of any building or structure hereafter erected shall extend to a point closer to said line than said minimum.*"

LOCATION: 12995 Ridge Road, approximately 1.4 miles east of CA Highway 49 (APN 040-100-002).

REVIEW: At this time staff anticipates that a Categorical Exemption may be adopted for this project. Please provide your written comments, including any proposed conditions of approval, no later than **Monday, April 22, 2013**. Please contact the Planning Department if you feel the project needs to be reviewed by TAC. This proposal is scheduled to be heard by the Planning Commission on **May 14, 2013**.

cc: Linda Raymond

Planning Department

March 21, 2013

Variance application regarding 12995 Ridge Rd, Sutter Creek

Owner: Linda Raymond, 267-5498

I am applying for a variance for my home. I am requesting permission to build a perimeter fence for privacy. My lot slopes steeply from Ridge Road. The fence could be as high as 10 feet, which would be 4-5 feet above the road edge. It would be set back 5 feet from the sides of the lot. It would be about 10 feet inside the front lot line.

ENVIRONMENTAL INFORMATION FORM

(To be completed by applicant; use additional sheets as necessary.)
Attach plans, diagrams, etc. as appropriate.

GENERAL INFORMATION

Project Name: Linda Raymond

Date Filed: _____ File No. _____

Applicant/ Developer Linda Raymond Landowner Same

Address 12995 Ridge Rd Sutter Creek Address _____

Phone No. _____ Phone No. _____

Assessor Parcel Number(s) 040-100-002-000

Existing Zoning District _____

Existing General Plan _____

List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state, and federal agencies: Building permit

WRITTEN PROJECT DESCRIPTION (Include the following information where applicable, as well as any other pertinent information to describe the proposed project):

- 1. Site Size 1.140
- 2. Square Footage of Existing/Proposed Structures 193 ft fence
- 3. Number of Floors of Construction NA
- 4. Amount of Off-street Parking Provided (provide accurate detailed parking plan) NA
- 5. Source of Water SC/Amador Water Agency
- 6. Method of Sewage Disposal septic
- 7. Attach Plans
- 8. Proposed Scheduling of Project Construction asap
- 9. If project to be developed in phases, describe anticipated incremental development. NA
- 10. Associated Projects NA
- 11. Subdivision/Land Division Projects: Tentative map will be sufficient unless you feel additional information is needed or the County requests further details. NA
- 12. Residential Projects: Include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected. NA
- 13. Commercial Projects: Indicate the type of business, number of employees, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. NA
- 14. Industrial Projects: Indicate type, estimated employment per shift, and loading facilities. NA
- 15. Institutional Projects: Indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project. NA
- 16. If the project involves a variance, conditional use permit, or rezoning application, state this and indicate clearly why the application is required.

Environmental Information Form

ADDITIONAL INFORMATION Are the following items applicable to the project or its effects? Discuss below all items checked "yes" (attach additional sheets as necessary).

- YES NO
17. Change in existing features or any lakes or hills, or substantial alteration of ground contours.
18. Change in scenic views or vistas from existing residential areas, public lands, or roads.
19. Change in pattern, scale, or character of general area of project.
20. Significant amounts of solid waste or litter.
21. Change in dust, ash, smoke, fumes, or odors in the vicinity.
22. Change in lake, stream, or ground water quality or quantity, or alteration of existing drainage patterns.
23. Substantial change in existing noise or vibration levels in the vicinity.
24. Site on filled land or has slopes of 10 percent or more.
25. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.
26. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).
27. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).
28. Does this project have a relationship to a larger project or series of projects?

ENVIRONMENTAL SETTING

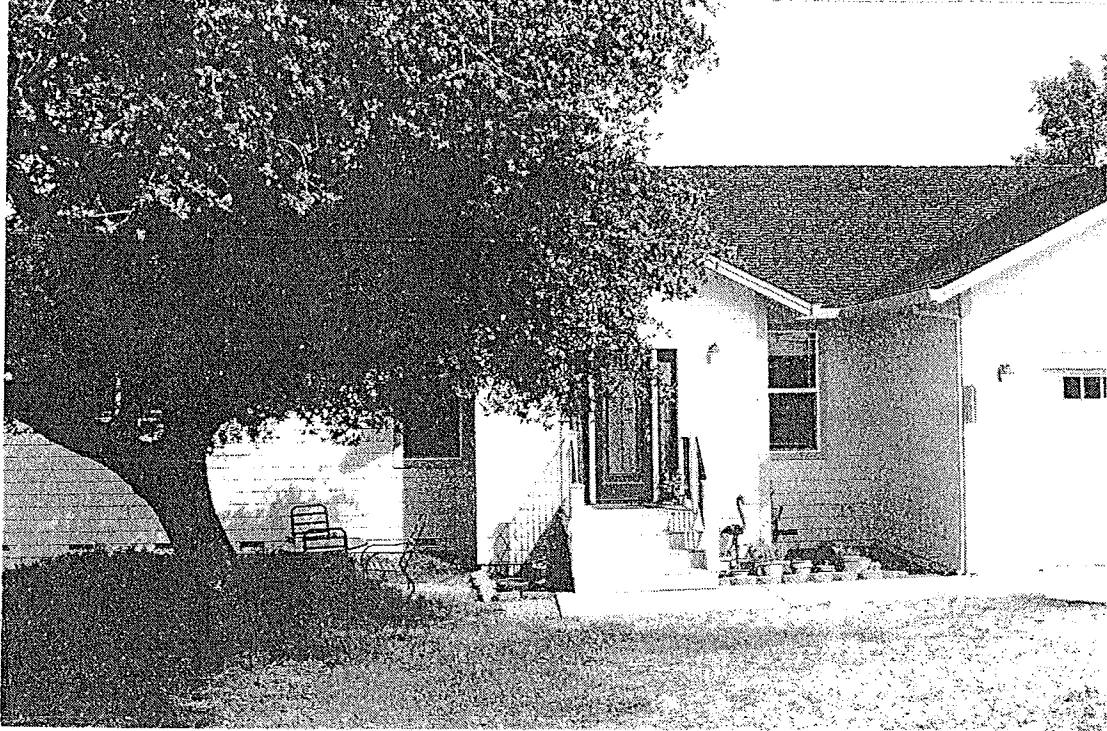
- 29. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site (cannot be returned).
30. Describe the surrounding properties, including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity (cannot be returned).
31. Describe any known mine shafts, tunnels, air shafts, open hazardous excavations, etc. Attach photographs of any of these known features (cannot be returned).

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date _____

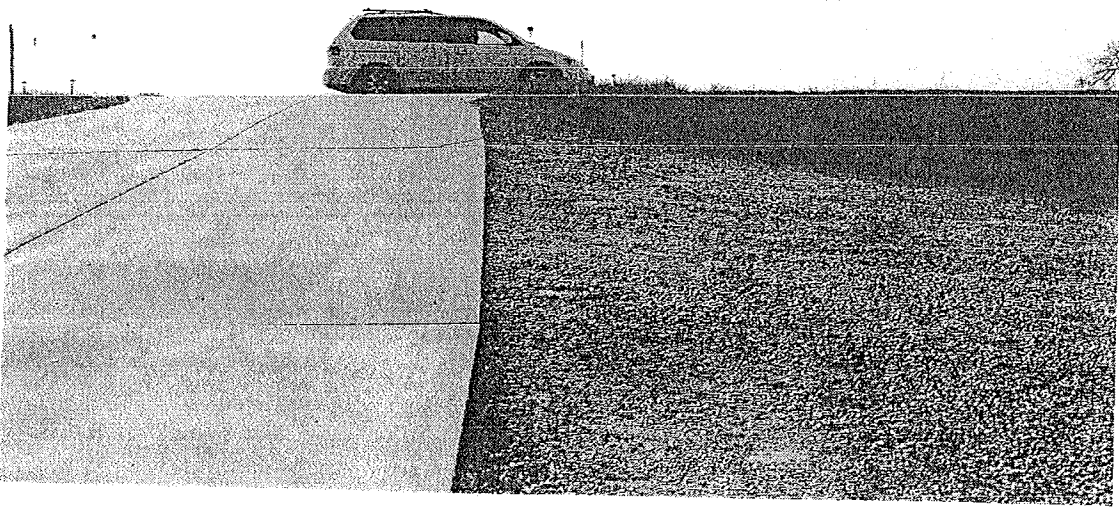
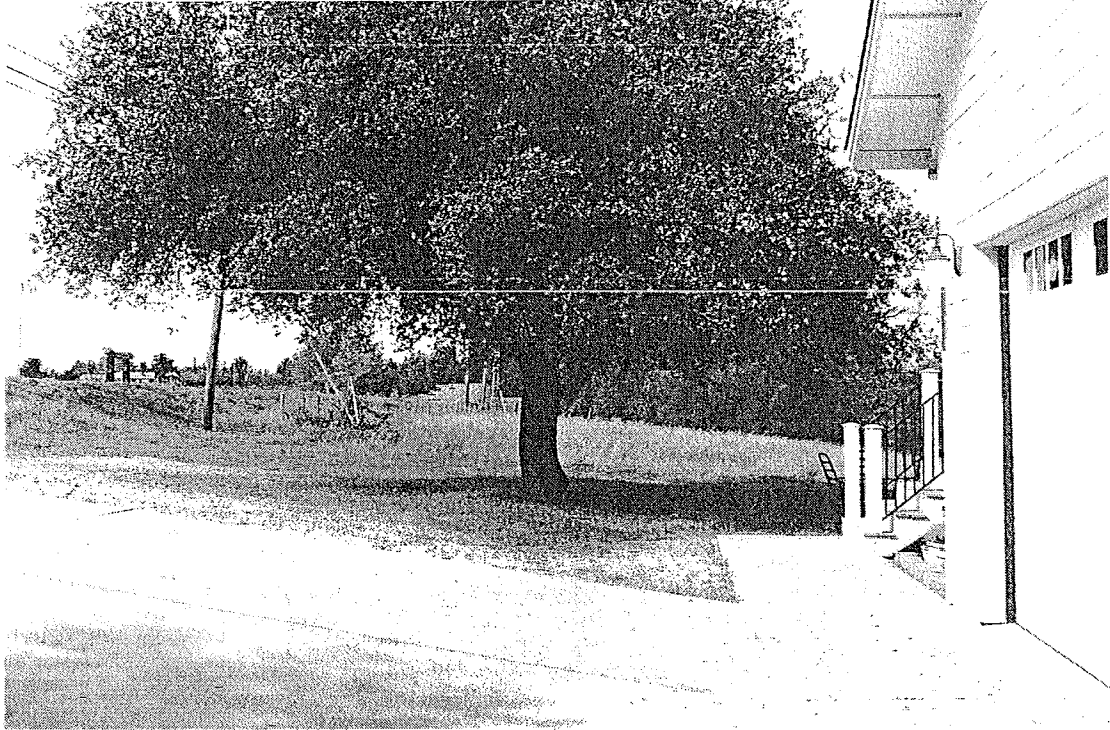
(Signature)

For _____

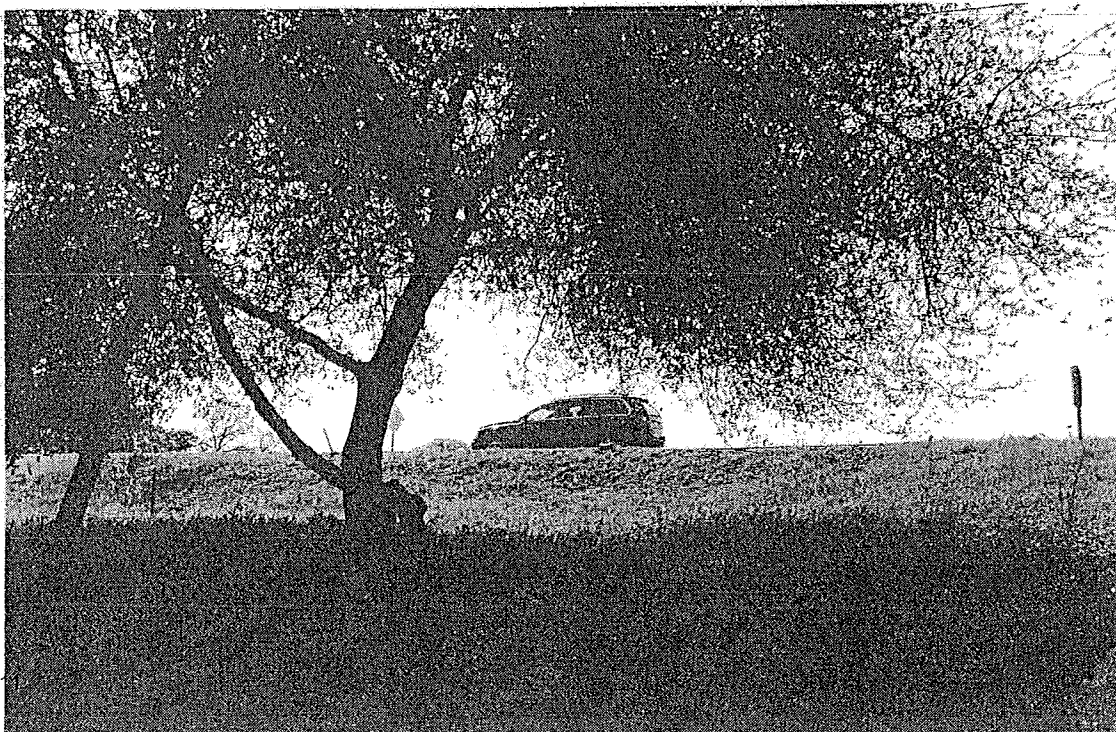
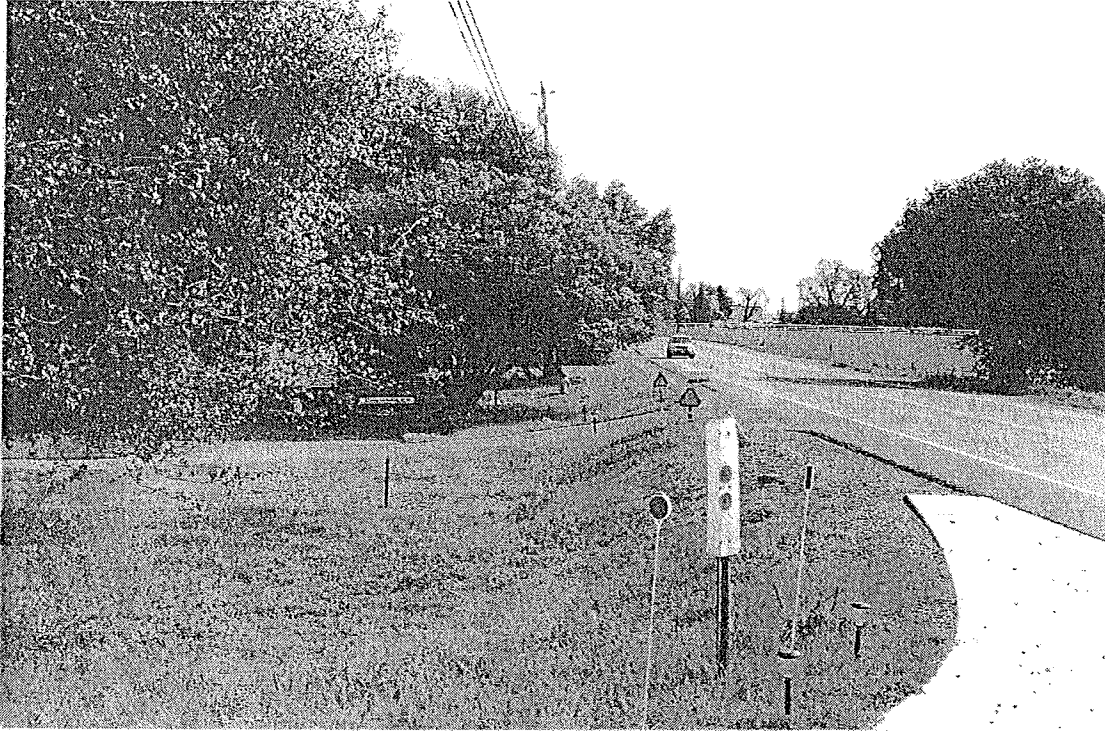


12995 Ridge Rd.

left of driveway



right of driveway

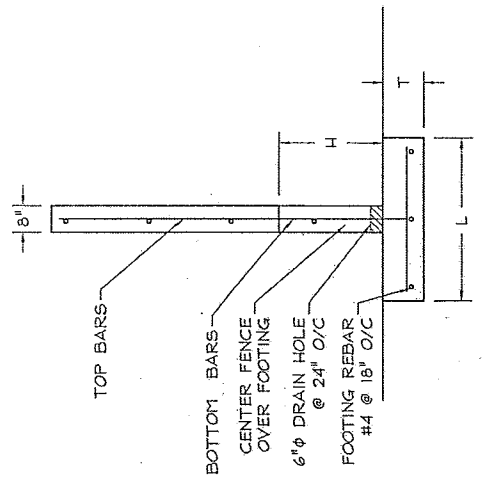


RAYMOND PRIVACY FENCE

FENCE SCHEDULE

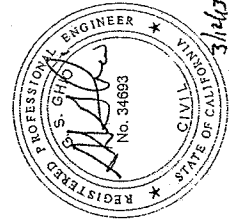
Wall Height	Minimum Dimensions		Horizontal Bars		Vertical Bars	
	H	L	#4 @ 24" O/C	#4 @ 18" O/C	Top Bars	Bottom Bars
0'-6" ±	N/A	14"	#4 @ 24" O/C	#4 @ 18" O/C	#4 @ 18" O/C	N/A
4'-4" ±	N/A	14"	#4 @ 24" O/C	#4 @ 18" O/C	#4 @ 18" O/C	N/A
5'-1" ±	2'-0"	14"	#4 @ 24" O/C	#4 @ 18" O/C	#4 @ 24" O/C	#4 @ 8" O/C
5'-1" ±	2'-0"	14"	#4 @ 24" O/C	#4 @ 18" O/C	#4 @ 18" O/C	#5 @ 8" O/C

* N/A is not applicable. Wall construction is continuous from footing to top of wall.



FENCE DETAIL
N.T.S.

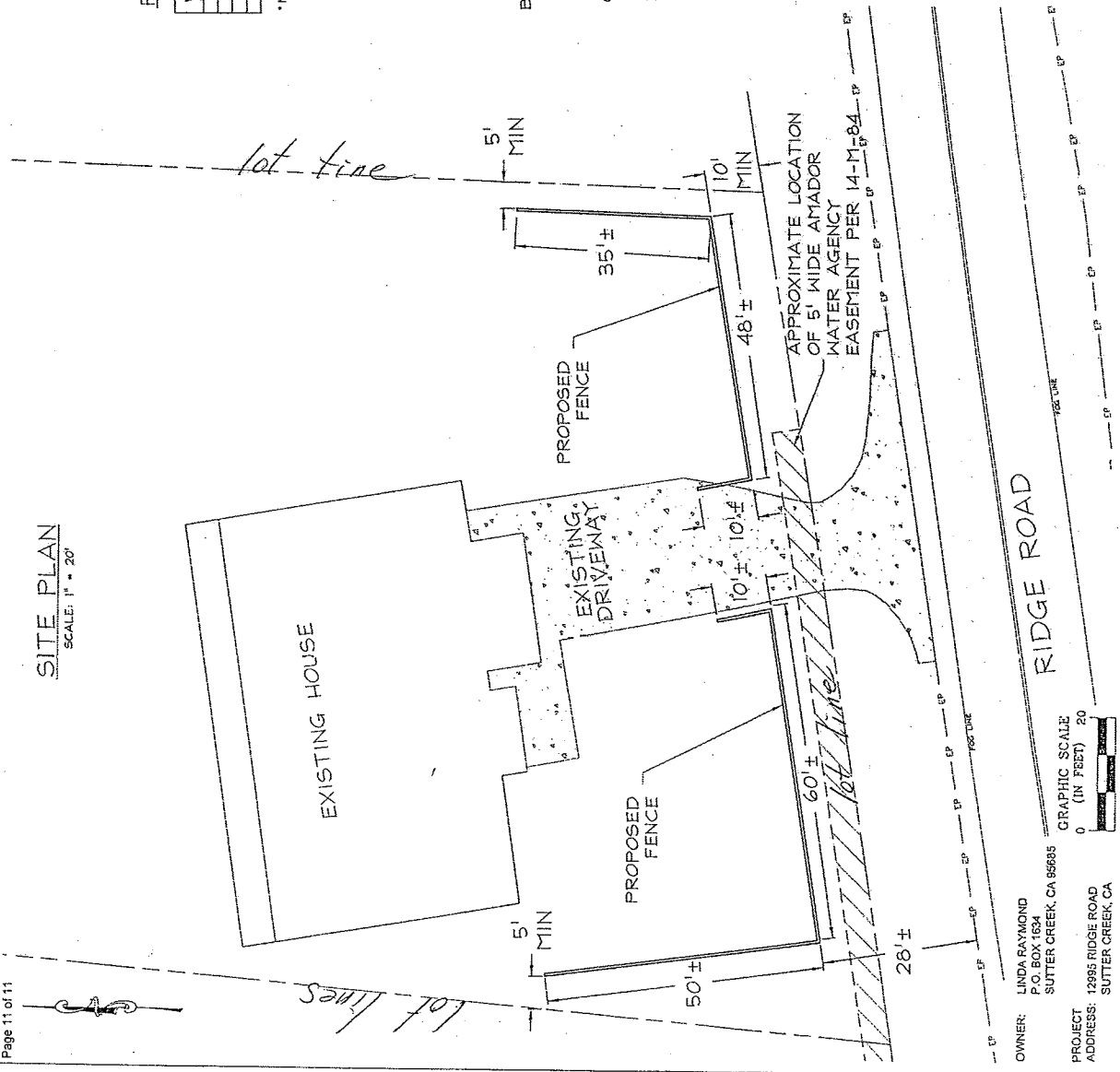
- NOTES:
1. NORMAL WEIGHT CONCRETE MASONRY BLOCKS
 2. DOUBLE BOND BEAM AT TOP COURSE
 3. ALL CELLS SOLID GROUTED WITH TYPE M OR TYPE S MORTAR OR 8" MINUS CONCRETE.
 4. GRADE 60 REBAR LAP 40 BAR DIAMETERS MINIMUM.



PLAN PREPARED BY:
Heber, Gino & Associates, Inc.
Professional Engineers
SAN ANDREAS, CA. 95249

SITE PLAN

SCALE: 1" = 20'



RIDGE ROAD

OWNER:
LINDA RAYMOND
P.O. BOX 1824
SUTTER CREEK, CA 95695

PROJECT ADDRESS: 12895 RIDGE ROAD
SUTTER CREEK, CA

DATE: MARCH 6, 2013 BY: VA

GRAPHIC SCALE:
0 (IN FEET) 20

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
June 11, 2013	

To: Board of Supervisors

Date: June 5, 2013

From: Susan C. Grijalva Phone Ext. X380

(Department Head - please type)

Department Head Signature *Susan C. Grijalva*

Agenda Title: WEST END CONSORTIUM- Request for: A) finding of "public interest" needed for permit application to CalTrans; and B) Variance from County Code Section 19.32.010 J. to allow a 30 sq. ft. off-site quasi-public directional sign for wineries in the Willow Creek and Latrobe Rd. areas.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

To facilitate the placement of an off-site quasi-public directional sign for wineries located in the Willow Creek and Latrobe Rd. areas known as the West End Consortium, applications were submitted to the County and CalTrans to place a sign on the north side of Hwy 16 just east of the DeMartini Rd/Carbondale Rd. intersection. The Planning Commission recommended approval of a Variance from County Code Section 19.32.010 J (which limits the size of off-site directional signs to 10 sq. ft.) to allow a maximum 30 sq. ft. sign. Due to the sign's proposed location along Hwy 16 a permit is also required from CalTrans. The CalTrans permit application requires that the local jurisdiction (the Board) must have made a finding that the activity being advertised is nationally or regionally known and is of outstanding interest to the traveling public.

See Staff Report for further details and additional information.

Recommendation/Requested Action:
Determine if CalTrans finding of "outstanding interest" can be made. If finding not made, deny variance. If finding is made, approve.

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? N/A
 Name Planning Commission
 Committee Recommendation:
Approval of variance (CalTrans finding wasn't sent to PC)

Comments: _____

Request Reviewed by:

Chairman *Rust* Counsel *GG*
 Auditor *Ed* GSA Director *Hop*
 CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)
Planning.

FOR CLERK USE ONLY

Meeting Date 6-11-13 Time _____ Item # 18

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___
 Ayes: _____ Resolution _____ Ordinance _____ Other: _____
 Noes _____ Resolution _____ Ordinance _____
 Absent: _____ Comments: _____

Distributed on _____
 Completed by _____

A new ATF is required from _____
 Department _____
 For meeting _____
 of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
 Clerk or Deputy Board Clerk

STAFF REPORT TO AMADOR COUNTY BOARD OF SUPERVISORS
FOR MEETING OF TUESDAY, JUNE 11, 2013

PLANNING DEPARTMENT – REQUEST FROM **WEST END CONSORTIUM** FOR:

- A. CONSIDERATION OF MAKING THE FINDING NEEDED TO SUBMIT A PERMIT APPLICATION TO CALTRANS FOR AN OFF-SITE PRIVATE DIRECTIONAL SIGN THAT THE ACTIVITY IS NATIONALLY OR REGIONALLY KNOWN AND IS OF OUTSTANDING INTEREST TO THE TRAVELING PUBLIC; AND

- B. CONSIDERATION OF THE PLANNING COMMISSION’S RECOMMENDATION FOR APPROVAL OF A REQUESTED VARIANCE FROM COUNTY CODE SECTION 19.32.010 J. (WHICH REQUIRES OFF-SITE QUASI-PUBLIC DIRECTIONAL SIGNS TO BE NO LARGER THAN 10 SQ. FT.) TO ALLOW A 30 SQ. FT. DIRECTIONAL SIGN FOR WINERIES IN THE WEST END OF THE COUNTY. SUBJECT SIGN IS LOCATED ON THE NORTH SIDE OF HWY 16 JUST EAST OF THE DEMARTINI RD./CARBONDALE RD. INTERSECTION.

The West End Consortium, comprised of a group of wineries located in the Willow Creek and Latrobe Rd. areas, is pursuing with the state and County the necessary permits to allow them to place an off-site directional sign on the north side of Hwy 16 just east of the DeMartini Rd./Carbondale Rd. intersection.

An application was made with the Planning Department for a quasi-public directional sign Use Permit as well as a Variance application to exceed the 10 sq. ft. maximum allowed by County code. The original application was for two double-sided signs; 10’ X 20’ and 5’ X 10’ in size. After conversations with the Outdoor Advertising Section of CalTrans the applicant revised the request to that of one double-sided sign 150 sq. ft. in size. The wording was also modified to be only directional in nature. These changes were made to meet the CalTrans limitations for private directional signs.

The Planning Commission heard the proposal at their March 12, 2013 meeting. The Commission directed the applicant to bring back an option(s) that would meet the desires, concerns, thoughts, and recommendations expressed by the Commissioners during the hearing (see attached minutes).

The Consortium amended their application by changing the size of the sign from 150 sq. ft. to 100 sq. ft. and changing the sign copy from “Wineries, Next 3 Rights” with an arrow on one side of the sign to “Wine Tasting, Next 3 Rights” and an arrow. The other side of the sign was proposed to change from “Sera Fina, Latrobe Rd.” with an arrow to “Winery” and an arrow.

The Planning Commission reviewed the revised request at their April 9, 2013. The Commission approved a Conditional Use Permit and recommended approval of the Variance to the Board of Supervisors for a 30 sq. ft. double-sided quasi-public directional sign and modified the sign copy to use “Wineries” on both sides of the sign instead of “Wine Tasting” and “Winery” as was proposed in the application.

The Commission staff reports and minutes are attached to provide more detailed information.

A. FINDING FOR STATE OUTDOOR ADVERTISING SIGN PERMIT.

Because the proposed sign location is along a state highway a permit is also required from Caltrans. The category of sign allowed under the State's Outdoor Advertising Act is a "private directional sign."

To submit an application for this type of sign to Caltrans' Outdoor Advertising Section the applicant must include in that application from the local jurisdiction "...written confirmation that the activity to be advertised is nationally or regionally known and is of outstanding interest to the traveling public." This written confirmation must be a letter, resolution, or other official document made by the public agency who exercises governmental authority over the sign; in this case the Board of Supervisors.

Additionally, the Federal Highway Administration regulations, which the State Dept. of Transportation must implement in their permit issuance defines Directional signs as

"...signs containing directional information about public places, owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public."

Further, the Federal regulations set the selection method and criteria for directional signs as:

"(1) Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.

(2) To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.

(3) Each State shall develop specific selection methods and criteria to be used in determining whether or not an activity qualifies for this type of signing. A statement as to selection methods and criteria shall be furnished to the Secretary of Transportation before the State permits the erection of any such signs under section 131© of title 23 U.S.C., and this part."

[See attached State and Federal regulation excerpts.]

A similar request was made in 2006 by Steven Fairchild for the Sutter Gold Mine Tours. At that time Staff expressed concerns regarding the potential impact making this finding could have on the ability of the county to regulate the location of signs advertising the mine along state and county roads. County Counsel also, at that time, indicated this determination would need to be reviewed for CEQA compliance to determine what the environmental impacts would be by having signs placed around the County (see

attached Board minutes and staff memo). Additionally, there are many other businesses that could make this same request enabling them to pursue permits for directional signage. Another point is, if the Board makes this finding, would it apply to only these wineries or would it apply unilaterally to all wineries in the county? Staff is unsure the Board could make the finding for only some wineries and not all wineries. This could result in more requests from other businesses in the County for the finding and/or more requests for off-site directional signage along our state highways for wineries (if the Board makes the finding for all wineries).

STAFF RECOMMENDATIONS: For the reasons set out above staff recommends the Board of Supervisors decline to make the findings necessary pursuant to the State and Federal sign regulations. In the event the Board wishes to adopt the findings, staff recommends the findings be specific as to which wineries the findings apply to (i.e., just these wineries or all wineries in the County).

B. REQUEST FOR VARIANCE TO EXCEED THE MAXIMUM ALLOWED 10 SQ. FT. SIZE FOR OFF-SITE QUASI-PUBLIC DIRECTIONAL SIGN.

The Planning Commission recommended approval of a variance to allow a maximum 30 sq. ft. sign instead of the requested 50 sq. ft. (see attached minutes). The findings made by the Commission are as follows:

1. The granting of the Use Permit is sanctioned by County Code Section 19.32.010 J. (Directional signs of a public or quasi-public nature) and is consistent with County Code Section 19.56.040 (Use Permit Findings) in that the proposed project proposed as conditioned will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the County;
2. The variance does not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, due to the fact it is serving more than one winery, the requirement for inclusion of “wineries” on both sides of the sign, and it is consistent in size with previously approved variances for quasi-public directional signs;
3. Because of special circumstances applicable to the subject property, the strict application of the requirement for the sign to be no larger than 10 square feet is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because without the variance, the 10 square foot maximum would be ineffective at directing the traveling public due to the required setback and speed limit, and by granting the variance it is a lesser impact than the alternative of multiple 10 square foot signs at this location.
4. A review of the Use Permit and variance was conducted by the Planning Commission which found the project is Categorically Exempt pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) and 15305, Class 5 (Minor Alterations in land use limitations) of the CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

The Commission also approved the Use Permit for the off-site quasi-public directional sign with some modifications to the sign face and subject to several conditions. The Use Permit decision is not before the Board of Supervisors (no appeal was filed), only the variance. Conversely, the CalTrans sign permit finding did not go to the Commission as that finding must be made by the Board of Supervisors.

STAFF RECOMMENDATIONS: If the Board of Supervisors declines to make the finding required for the State Outdoor Advertising permit, staff recommends the variance be denied as CalTrans cannot issue a permit without that finding.

In the event the Board adopts the finding that these, and possibly all wineries in Amador County, are nationally or regionally known and of outstanding interest to the traveling public they can consider granting the variance subject to the findings set out above.



Welcome to the online source for the California Code of Regulations

4 CA ADC § 2452

§ 2452. Public or Private Directional Sign; Selection Methods and Qualifying Criteria.

Term

4 CCR § 2452

Cal. Admin. Code tit. 4, § 2452

Barclays Official California Code of Regulations [Currentness](#)

Title 4. Business Regulations

Division 6. Outdoor Advertising, Department of Transportation

Chapter 4. Directional and Other Official Signs and Notices ([Refs & Annos](#))

⇒ § 2452. Public or Private Directional Sign; Selection Methods and Qualifying Criteria.

(a) Each location for a public or private directional sign must be approved by the Department before placing the directional sign. The Display application and the permit procedures of the Act are used to obtain approval, except application and permit fees are not required for a public or private directional sign expressly excluded from the definition of "Advertising Structure" in Section 5203 or "Sign" in Section 5221 of the Act.

(b) When processing an application to place a public or private directional sign, the following priorities are applied.

(1) First priority is given to a public directional sign.

(2) Second priority is given to a private directional sign. An application for a private directional sign is not processed unless it is accompanied by written confirmation that the activity to be advertised is nationally or regionally known and is of outstanding interest to the traveling public. The confirmation is a letter, resolution, or other official document made by a local public officer, public agency, county board of supervisors, or city council who exercises governmental authority over the area and the sign.

Note: Authority cited: Sections 5250 and 5415, Business and Professions Code. Reference: Sections 5203 and 5221, Business and Professions Code.

HISTORY

1. Renumbering of former section 2452 to section 2451 and renumbering of former section 2455 to section 2452, including amendment of section heading, section and NOTE, filed 9-20-99; operative 10-20-99 (Register 99, No. 39).

4 CCR § 2452, 4 ← CA ADC § 2452 →

This database is current through 1/4/13 Register 2013, No. 1

END OF DOCUMENT

Federal Highway Administration, DOT

§ 750.151

a single enterprise or giving information about a single place may be permitted to be erected or maintained in such manner as to be visible to traffic moving in any one direction on any one Interstate highway.

(c) No Class 3 or 4 signs other than those permitted by this section may be permitted to be erected or maintained within protected areas, outside informational sites.

§ 750.108 General provisions.

No Class 3 or 4 signs may be permitted to be erected or maintained pursuant to § 750.107, and no Class 2 sign may be permitted to be erected or maintained, in any manner inconsistent with the following:

(a) No sign may be permitted which attempts or appears to attempt to direct the movement of traffic or which interferes with, imitates or resembles any official traffic sign, signal or device.

(b) No sign may be permitted which prevents the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.

(c) No sign may be permitted which contains, includes, or is illuminated by any flashing, intermittent or moving light or lights.

(d) No lighting may be permitted to be used in any way in connection with any sign unless it is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main-traveled way of the Interstate System, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle, or to otherwise interfere with any driver's operation of a motor vehicle.

(e) No sign may be permitted which moves or has any animated or moving parts.

(f) No sign may be permitted to be erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(g) No sign may be permitted to exceed 20 feet in length, width or height, or 150 square feet in area, including border and trim but excluding supports, except Class 2 signs not more than 50 feet from, and advertising ac-

tivities being conducted upon, the real property where the sign is located.

§ 750.109 Exclusions.

The standards in this part shall not apply to markers, signs and plaques in appreciation of sites of historical significance for the erection of which provisions are made in an agreement between a State and the Secretary of Transportation, as provided in the Act, unless such agreement expressly makes all or any part of the standards applicable.

§ 750.110 State regulations.

A State may elect to prohibit signs permissible under the standards in this part without forfeiting its rights to any benefits provided for in the act.

Subpart B—National Standards for Directional and Official Signs

AUTHORITY: 23 U.S.C. 131, 315, 49 U.S.C. 1651; 49 CFR 1.48(b).

§ 750.151 Purpose.

(a) In section 131 of title 23 U.S.C., Congress has declared that:

(1) The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate System and the primary system should be controlled in order to protect the public investment in such highways, to promote safety and recreational value of public travel, and to preserve natural beauty.

(2) Directional and official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, shall conform to national standards authorized to be promulgated by the Secretary, which standards shall contain provisions concerning the lighting, size, number and spacing of signs, and such other requirements as may be appropriate to implement the section.

(b) The standards in this part are issued as provided in section 131 of title 23 U.S.C.

[38 FR 16044, June 30, 1973, as amended at 40 FR 21934, May 20, 1975]

§ 750.152 Application.

The following standards apply to directional and official signs and notices located within six hundred and sixty (660) feet of the right-of-way of the Interstate and Federal-aid primary systems and to those located beyond six hundred and sixty (660) feet of the right-of-way of such systems, outside of urban areas, visible from the main traveled way of such systems and erected with the purpose of their message being read from such main traveled way. These standards do not apply to directional and official signs erected on the highway right-of-way.

[40 FR 21934, May 20, 1975]

§ 750.153 Definitions.

For the purpose of this part:

(a) *Sign* means an outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Federal-aid primary highway.

(b) *Main traveled way* means the through traffic lanes of the highway, exclusive of frontage roads, auxiliary lanes, and ramps.

(c) *Interstate System* means the National System of Interstate and Defence Highways described in section 103(d) of title 23 U.S.C.

(d) *Primary system* means the Federal-aid highway system described in section 103(b) of title 23 U.S.C.

(e) *Erect* means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(f) *Maintain* means to allow to exist.

(g) *Scenic area* means any area of particular scenic beauty or historical significance as determined by the Federal, State, or local officials having jurisdiction thereof, and includes interests in land which have been acquired for the restoration, preservation, and enhancement of scenic beauty.

(h) *Parkland* means any publicly owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge or historic site.

(i) *Federal or State law* means a Federal or State constitutional provision or statute, or an ordinance, rule, or regulation enacted or adopted by a State or Federal agency or a political subdivision of a State pursuant to a Federal or State constitution or statute.

(j) *Visible* means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

(k) *Freeway* means a divided arterial highway for through traffic with full control of access.

(l) *Rest area* means an area or site established and maintained within or adjacent to the highway right-of-way by or under public supervision or control for the convenience of the traveling public.

(m) *Directional and official signs and notices* includes only official signs and notices, public utility signs, service club and religious notices, public service signs, and directional signs.

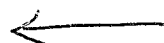
(n) *Official signs and notices* means signs and notices erected and maintained by public officers or public agencies within their territorial or zoning jurisdiction and pursuant to and in accordance with direction or authorization contained in Federal, State, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by State law and erected by State or local government agencies or nonprofit historical societies may be considered official signs.

(o) *Public utility signs* means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(p) *Service club and religious notices* means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

(q) *Public service signs* means signs located on school bus stop shelters, which signs:

(1) Identify the donor, sponsor, or contributor of said shelters;



(2) Contain public service messages, which shall occupy not less than 50 percent of the area of the sign;

(3) Contain no other message;

(4) Are located on schoolbus shelters which are authorized or approved by city, county, or State law, regulation, or ordinance, and at places approved by the city, county, or State agency controlling the highway involved; and

(5) May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

(r) *Directional signs* means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(s) *State* means any one of the 50 States, the District of Columbia, or Puerto Rico.

(t) *Urban area* means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized areas in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

[38 FR 16044, June 30, 1973, as amended at 40 FR 21934, May 20, 1975]

§ 750.154 Standards for directional signs.

The following apply only to directional signs:

(a) *General*. The following signs are prohibited:

(1) Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the location of those signs or at the location of those activities.

(2) Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic

sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

(3) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(4) Obsolete signs.

(5) Signs which are structurally unsafe or in disrepair.

(6) Signs which move or have any animated or moving parts.

(7) Signs located in rest areas, parklands or scenic areas.

(b) *Size*. (1) No sign shall exceed the following limits:

(i) Maximum area—150 square feet.

(ii) Maximum height—20 feet.

(iii) Maximum length—20 feet.

(2) All dimensions include border and trim, but exclude supports.

(c) *Lighting*. Signs may be illuminated, subject to the following:

(1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.

(2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(3) No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(d) *Spacing*. (1) Each location of a directional sign must be approved by the State highway department.

(2) No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the nearest point of the beginning or ending of pavement widening at the exit from or entrance to the main traveled way).

(3) No directional sign may be located within 2,000 feet of a rest area, parkland, or scenic area.

(4)(i) No two directional signs facing the same direction of travel shall be spaced less than 1 mile apart;

(ii) Not more than three directional signs pertaining to the same activity and facing the same direction of travel may be erected along a single route approaching the activity;

(iii) Signs located adjacent to the Interstate System shall be within 75 air miles of the activity; and

(iv) Signs located adjacent to the primary system shall be within 50 air miles of the activity.

(e) *Message content.* The message on directional signs shall be limited to the identification of the attraction or activity and directional information useful to the traveler in locating the attraction, such as mileage, route numbers, or exit numbers. Descriptive words or phrases, and pictorial or photographic representations of the activity or its environs are prohibited.

(f) *Selection method and criteria.* (1) Privately owned activities or attractions eligible for directional signing are limited to the following: natural phenomena; scenic attractions; historic, educational, cultural, scientific, and religious sites; and outdoor recreational areas.

(2) To be eligible, privately owned attractions or activities must be nationally or regionally known, and of outstanding interest to the traveling public.

(3) Each State shall develop specific selection methods and criteria to be used in determining whether or not an activity qualifies for this type of signing. A statement as to selection methods and criteria shall be furnished to the Secretary of Transportation before the State permits the erection of any such signs under section 131(c) of title 23 U.S.C., and this part.

§ 750.155 State standards.

This part does not prohibit a State from establishing and maintaining standards which are more restrictive with respect to directional and official signs and notices along the Federal-aid highway systems than these national standards.

[38 FR 16044, June 20, 1973, as amended at 40 FR 21934, May 20, 1975]

Subpart C [Reserved]

**Subpart D—Outdoor Advertising
(Acquisition of Rights of Sign
and Sign Site Owners)**

AUTHORITY: 23 U.S.C. 131 and 315; 23 CFR 1.32 and 1.48(b).

SOURCE: 39 FR 27436, July 29, 1974, unless otherwise noted.

§ 750.301 Purpose.

To prescribe the Federal Highway Administration (FHWA) policies relating to Federal participation in the costs of acquiring the property interests necessary for removal of nonconforming advertising signs, displays and devices on the Federal-aid Primary and Interstate Systems, including toll sections on such systems, regardless of whether Federal funds participated in the construction thereof. This regulation should not be construed to authorize any additional rights in eminent domain not already existing under State law or under 23 U.S.C. 131(g).

§ 750.302 Policy.

(a) Just compensation shall be paid for the rights and interests of the sign and site owner in those outdoor advertising signs, displays, or devices which are lawfully existing under State law, in conformance with the terms of 23 U.S.C. 131.

(b)(1) Federal reimbursement will be made on the basis of 75 percent of the acquisition, removal and incidental costs legally incurred or obligated by the State.

(2) Federal funds will participate in 100 percent of the costs of removal of those signs which were removed prior to January 4, 1975, by relocation, pursuant to the provisions of 23 CFR § 750.305(a)(2), and which are required to be removed as a result of the amendments made to 23 U.S.C. 131 by the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, section 109, January 4, 1975. Such signs must have been relocated to a legal site, must have been legally maintained since the relocation, and must not have been substantially changed, as defined by the State maintenance standards, issued pursuant to 23 CFR 750.707(b).

Public Hearings

Item 1 – Continued - Request by West End Consortium for a Use Permit to allow a 150 sq. ft. double-sided off-site quasi-public directional sign pursuant to Amador County Code §19.32.010 J. for several wineries located in the Latrobe, Willow Creek, Hwy 124, and Drytown areas; and a Variance to allow a sign that exceeds the 10 square foot maximum allowed by County Code §19.32.010 J. (APN 008-120-004-000).

Applicant: West End Consortium (Mark McMaster, rep.)

Supervisorial District V

Location: On the north side of Hwy 16, east of the DeMartini Rd./Carbondale Rd. intersection in the Plymouth area.

Susan Grijalva, Planning Director, summarized the staff report, which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Byrne continued the public hearing.

Mark McMaster, representative, stated CalTrans may require them to include the name of their group on the sign so that it is readable to the traveling public.

Commissioner Ryan thought CalTrans would want that information as a footnote to the sign. Ms. Grijalva agreed.

Chairman Byrne stated that concern is not before them and it can be reviewed if it is an issue in the future.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and unanimously carried to close the public hearing.

Commissioner Tober stated she recalled asking for a 30-50 square foot sign at the last meeting. She did not have a problem reading the existing sign and did not see the need to be larger than the existing 50 square foot sign.

Commissioner Wardall stated going more than 30 square feet would upset an existing precedent and would cause other groups to want larger signs that would clutter up the local highways.

Commissioner Ryan stated the Commission gave direction to come back with a concept that would match what the Commission previously approved. There were specific conditions and findings that were made to approve the 30 square foot sign granted to the Shenandoah School Road businesses. He felt approval of this request would be an unfair advantage; a 100 square foot sign is a billboard. He felt the existing 50 square foot sign is more than sufficient.

Commissioner Lindstrom asked about the 100' setback from the centerline. Ms. Grijalva stated County Code for billboards is a 75' setback. Ms. Grijalva stated the 100' noted on the photo is just showing the distance to the fence.

In response to Chairman Byrne, Mr. McMaster stated the property owner will require the sign to be 20' past the fence line for their use; which is the same distance the current sign is from the fence line. He added the sign would be located further east on top of the hill due to CalTrans requirements.

Chairman Byrne stated he agreed with Commissioner Ryan's statements and added there is a lot of dead space on the revised sign proposal. He could not recommend approval of a variance for anything larger than 30 square feet.

Commissioner Ryan was also concerned that other groups will request signs in the future and that whatever size sign they recommend tonight will be the new standard. Chairman Byrne agreed which is another reason why he would not recommend anything larger than 30 square feet.

Ms. Grijalva requested the Commission be specific in what the sign copy states. Ms. Grijalva stated there is now another winery on Latrobe Road and the Commission may want to recommend "wineries" on the west-bound facing sign. She stated the Commission may either deny the request in front of them or approve a smaller sign and make a recommendation regarding the variance. Ms. Grijalva asked for direction on "wineries" versus "wine tasting".

Commissioner Ryan felt it would be important not to show any favoritism in order to make findings for a variance. He stated the wine industry is a benefit to the County but also wants to preserve the nature of the County.

In response to Commissioner Ryan, Ms. Grijalva stated the Commission may either deny the request or approve a smaller sign. Chairman Byrne asked if a 30 square foot sign could be approved. Ms. Grijalva stated it could be and the applicant could either appeal the decision or submit a revised application if the Commission denied the application.

MOTION: It was moved by Commissioner Wardall, seconded by Commissioner Ryan and unanimously carried to approve a quasi-public directional sign use permit for a 30 square foot sign located on the north side of Highway 16 subject to the conditions and findings proposed in the staff report with the following changes:

3. *The sign shall be substantially the same as that which is approved; using **"wineries" on both sides of the sign** (e.g., sign design, colors, size of lettering and location). Any change in the sign face and/or wording shall require the review and approval of **Planning staff /Planning Commission (select one)**. Any substantial changes in the sign will require an amendment to the Use Permit. **THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.;***
7. *Prior to issuance of the Use Permit, all existing unpermitted winery directional sign(s) located along Hwy 16, Willow Creek Rd., Tonzi Rd. and/or Hwy 124 shall be removed. **The white picket signs and the existing unpermitted 50 square foot sign on the north side of Hwy 16 shall be removed within 6 months of Planning Commission approval. The existing unpermitted 200 square foot sign on the south side of Hwy 16 shall be removed immediately. THE PLANNING DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.;***

and to recommend approval of the variance to the Board of Supervisors based on the following findings:

1. The granting of the Use Permit is sanctioned by County Code Section 19.32.010 J. (Directional signs of a public or quasi-public nature) and is consistent with County Code Section 19.56.040 (Use Permit Findings) in that the proposed project proposed as conditioned will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the County;
2. The variance does not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, due to the fact it is serving more than one winery, the requirement for inclusion of "wineries" on both sides of the sign, and it is consistent in size with previously approved variances for quasi-public directional signs;
3. Because of special circumstances applicable to the subject property, the strict application of the requirement for the sign to be no larger than 10 square feet is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification because without the variance, the 10 square foot maximum would be ineffective at directing the traveling public due to the required setback and

speed limit, and by granting the variance it is a lesser impact than the alternative of multiple 10 square foot signs at this location.

4. A review of the Use Permit and variance was conducted by the Planning Commission which found the project is Categorically Exempt pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) and 15305, Class 5 (Minor Alterations in land use limitations) of the CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

NOTE: Ms. Grijalva stated the Commission approved the use permit request. Anyone wishing to appeal the Commission's decision may do so by submitting a letter of appeal along with the appropriate appeal fee to the Clerk of the Board of Supervisors no later than 5:00 p.m. on Friday, April 19, 2013. She further stated the Commission recommended approval of the variance to the Board of Supervisors. This will be scheduled for a future Board meeting and notices will be mailed out.

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF APRIL 9, 2013**

ITEM 2 – Continued - Request by West End Consortium for a Use Permit to allow a 150 sq. ft. double-sided off-site quasi-public directional sign pursuant to Amador County Code §19.32.010 J. for several wineries located in the Latrobe, Willow Creek, Hwy 124, and Drytown areas; and a Variance to allow a sign that exceeds the 10 square foot maximum allowed by County Code §19.32.010 J. (APN 008-120-004-000).

APPLICANT: West End Consortium (Mark McMaster, rep.)

SUPERVISORIAL DISTRICT V

LOCATION: On the north side of Hwy 16, east of the DeMartini Rd./Carbondale Rd. intersection in the Plymouth area.

- A. BACKGROUND:** As a result of a code violation, a Use Permit application requesting two double-sided off-site directional signs was submitted to the Planning Department on November 2, 2012. The signs are currently placed on both the north and south sides of Hwy 16 just east of the DeMartini Road/Carbondale Road intersection. The signs are 10' X 20' and 5 X 10' in size, both of which exceed the 10 square foot maximum allowed by County Code §19.32.010 J. Therefore, a variance was also requested to exceed the 10 sq. ft. maximum allowed by County code for off-site quasi-public directional signs.



After conversations with the Outdoor Advertising Section of CalTrans the applicants revised their request to that of one 150 sq. ft. double-sided sign on the north side of Hwy 16 and changed the proposed wording on the sign face to only be directional in nature (see attached sign schematic). This was done so the sign would meet the CalTrans limitations for private directional signs (see attached CalTrans Outdoor Advertising Display permit application).

At the March 12, 2013 Planning Commission meeting the Commission directed the applicant to bring back an option(s) that would meet the Commissioner's stated desires, concerns, thoughts, and recommendations (see attached minutes).



- B. REVISED DESCRIPTION:** On April 2, 2013 staff received an email with a request from Mr. McMaster to amend the consortium's application. The project, as now proposed, is for a 100 sq. ft. double-sided sign and a variance to exceed the maximum 10 sq. ft. sign allowed by County Code Section 19.32.010 J. The current proposal's sign copy consists of "Wine Tasting (as opposed to the existing, "Wineries"), Next 3 Rights and an arrow, and a change from the name "Sera Fina" to "Winery." According to the applicant (verbal communication), the requested 100 sq. ft. is based on what the sign manufacturer believes to be necessary for the sign to be legible in the location proposed.

C. EVALUATION OF EXISTING SIGN AND SIGN PROPOSALS: Provided below is a summary of the sizes and sign "copy" of the various renditions for the sign proposed to be located on the north side of Hwy 16:



Existing sign:

size = 50 sq. ft.	sign copy:	Eastbound:	WINERIES NEXT 3 RIGHTS 
		Westbound:	SERA FINA LATROBE RD. 

Original Proposal:

size = 150 sq. ft.	sign copy:	Eastbound:	WINE TASTING NEXT 3 RIGHTS 
		Westbound:	SERA FINA LATROBE RD. 

Current/Revised Proposal:

size = 100 sq. ft.	sign copy:	Eastbound:	WINE TASTING NEXT 3 RIGHTS 
		Westbound:	WINERY LATROBE RD. 

D. STAFF RECOMMENDATION: Planning staff has no technical objection to the placement of a quasi-public directional sign at the proposed location that is consistent with County Code or with that which was recently approved for other wineries in the county (i.e., small increase over the maximum allowed 10 sq. ft.). Staff does not support the request for the variance to exceed the maximum allowable size to the extent of 100 sq. ft. for the following reasons:

- a. The property on which the sign is proposed to be located abuts Hwy 16 and the sign could be located closer to the highway than proposed.
- b. The size of the sign now proposed is as large as what is allowed by County code for an outdoor advertising structure (i.e, billboards are limited to 100 sq. ft. and are restricted as to the zone districts in which they may be located – see attached County Code section 19.32.010 I.).
- c. Staff believes the sign can and should be in keeping with the size of those quasi-public directional signs granted elsewhere for the wineries in the County. The revised sign proposed in this application is 10 times larger than the 10 sq. ft. allowed by County code therefore the variance requested is not a “minor alteration in land use limitations.” *Note: If the Commission agrees the variance request is not a minor alteration in a land use limitation due to the size of the sign, or for any other reason, the project would not be categorically exempt from CEQA and environmental review would be necessary before approving the project. The matter would need to be continued to allow staff to do the environmental review and prepare the appropriate document for the Commission to consider.*

E. PLANNING COMMISSION ACTION:

Use Permit:

In the event the Commission moves to approve the Use Permit staff recommends the adoption of Finding #1 and, at a minimum, the conditions recommended by staff (attached).

Variance:

If the Planning Commission moves to recommend to the Board of Supervisors approval of a variance to the maximum allowed size for the sign (whether for 100 sq. ft. or some other size), Findings #2 and #3 below are required for adoption pursuant to County Code §19.52.020 and §19.52.040. Finding #4 may be made only if the Commission makes the requisite finding as to the request being a minor alteration in land use limitations as noted above.

1. The granting of the Use Permit is sanctioned by County Code Section 19.32.010 J. (Directional signs of a public or quasi-public nature) and is consistent with County Code Section 19.56.040 (Use Permit Findings) in that the proposed project proposed as conditioned will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the County;

2. The variance does not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated in that... **(reasons)**;
3. Because of special circumstances **(specify)** applicable to the subject property, the strict application of the requirement for the sign to be no larger than 10 square feet is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and
4. A review of the Use Permit and variance was conducted by the Planning Commission which found the project is Categorically Exempt pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) and 15305, Class 5 (Minor Alterations in land use limitations) of the CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder. ***NOTE: This finding may only be made if the Commission specifies reasons the granting of the variance to allow a 150 sq. ft. sign is a minor alteration in land use limitations, otherwise, as "Noted" above the matter must be continued to complete environmental review before bringing the matter back for action.***

Nua Dair Vineyards
13825 Willow Creek Road
Ione, CA 95825

April 2, 2013

RECEIVED
Amador County

Amador County Planning Department
Land Use Agency
810 Court Street
Jackson, CA 95642

APR - 2 2013
PLANNING DEPARTMENT

Dear Sirs and Madams:

This letter is to request an amendment to our application for West End Consortium signage along the Jackson Highway (State Highway 16), between Carbondale and Willow Creek Roads, as follows:

1. Remove request for a Use Permit to allow a 150 sq. ft. double-sided off-site quasi-public directional sign pursuant to Amador County Code Section 19.32.010(J) for several wineries located in the Latrobe, Willow Creek, Hwy 124, and Drytown areas; and to remove a request for a Variance to allow a sign that exceeds the 10 square foot maximum allowed by County Code Section 19.32.010(J). (APN 008-120-004-000).
2. Add a request by West End Consortium for a Use Permit to allow a 100 sq. ft. double-sided off-site quasi-public directional sign pursuant to Amador County Code Section 19.32.010(J) for several wineries located in the Latrobe, Willow Creek, Hwy 124, and Drytown areas; and a Variance to allow a sign that exceeds the 10 square foot maximum allowed by County Code Section 19.32.010(J). (APN 008-120-004-000).
3. On the sign sample, the name "Serafina" will be changed to "Winery".

Thank you in advance for your consideration of this matter.

Sincerely,

/s/ Mark McMaster

Mark McMaster
West End Consortium

EXCERPT FROM MARCH 12, 2013 PLANNING COMMISSION DRAFT MINUTES:

ITEM 2 – Request by West End Consortium for a Use Permit to allow a 150 sq. ft. double-sided off-site quasi-public directional sign pursuant to Amador County Code §19.32.010 J. for several wineries located in the Latrobe, Willow Creek, Hwy 124, and Drytown areas; and a Variance to allow a sign that exceeds the 10 square foot maximum allowed by County Code §19.32.010 J. (APN 008-120-004-000).

APPLICANT: West End Consortium (Mark McMaster, rep.)

SUPERVISORIAL DISTRICT V

LOCATION: On the north side of Hwy 16, east of the DeMartini Rd./Carbondale Rd. intersection in the Plymouth area.

Susan Grijalva, Planning Director summarized the staff report, which is hereby incorporated into these minutes as though set forth in full.

Commissioner Lindstrom asked why CEQA might be required. Ms. Grijalva explained if the Commission does not find the project is categorically exempt, then CEQA review is required.

Chairman Byrne opened the public hearing.

Mark McMaster, representative, stated there are currently 2 mobile billboards which are defined and governed by the Vehicle Code. Mr. McMaster stated the group would like to have a permanent sign. The CalTrans regulations allow for signage up to 150 square feet and that is what he is requesting. Mr. McMaster asked for proposed Condition No. 7 to be revised so the other signs would be removed 30 days after the new sign is installed.

Ms. Grijalva stated proposed Condition No. 7 refers to the white picket signs at Hwy 124 and at Willow Creek Road and would clarify that in the condition. Mr. McMaster had no objection to that condition. Ms. Grijalva stated the two existing signs on the Vicini property would need to be removed before installing the new sign.

There was discussion regarding the difference between mobile and stationary billboards and the County definition of a sign. Ms. Grijalva did not believe the signs were mobile billboards and fit the County Code definition of a sign. She asked Ms. Jacobs to read County Code Section 19.08.510, which was adopted in 1962:

'Sign' means anything whatsoever placed, erected, constructed, posted, painted, printed, tacked, nailed, glued, stuck, carved or otherwise fastened, affixed or made visible for out-of-door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building structure or thing whatsoever.

Mr. McMaster reiterated his belief the signs are mobile billboards and the group would like to have permanent signage approved by the County and CalTrans.

Commissioner Ryan asked which wineries are members of the West End Consortium. Mr. McMaster stated Sera Fina, Nua Dair, Tanis, Convergence, and Drytown Cellars are members. Commissioner Ryan asked if these wineries are also members of Amador Vintners. Mr. McMaster stated they are member of Amador Vintners. Commissioner Ryan stated the Amador Vintners has an approved quasi-public directional sign use permit approved by the Commission. Mr. McMaster stated the approved plan does not include these wineries. Ms. Grijalva stated Amador Vintners removed the signs on the State highways from the use permit request because of CalTrans requirements for TOD signs.

Ms. Grijalva explained Mr. McMaster is requesting a private directional sign which based on CalTrans regulations can be up to 150 square feet but that request exceeds what is allowed by County Code.

Commissioner Ryan stated the wineries on Shenandoah School Road created a group and obtained approval for signs which were consistent with the Amador Vintners proposal. One of the requirements was for the sign to include "more wineries ahead." His suggestion to Mr. McMaster that they reevaluate the proposal and have it match the Use Permits for quasi-public directional signs that have already been approved by the Commission. Commissioner Ryan did not want to see a billboard and even 75 square feet would be too large.

Commissioner Wardall stated Hwy 16 is a beautiful scenic by-way; these signs are offensive and intrusive to enjoying the natural landscape. He agreed with Commissioner Ryan's suggestion to match the design of the previously approved use permits.

Mr. McMaster stated the landowner will allow the sign to go wherever the County and CalTrans will allow it to be placed.

There was discussion of where to place the sign and other possible locations. Commissioner Ryan asked if there could be a sign at each of the three roads. Mr. McMaster stated the property owners would not grant permission. Commissioner Tober suggested working with the font sizes and styles to increase the visibility. Commissioner Ryan suggested the sign should be approximately 30 square feet in size and be consistent with what has been approved in the past; he reminded Mr. McMaster they have to consider County Code and the necessary findings to recommend approval of a variance. Commissioner Lindstrom stated he would not object to a 50 square feet size because of the speed limit on Hwy 16. Ms. Grijalva recommended Mr. McMaster review any revisions with CalTrans.

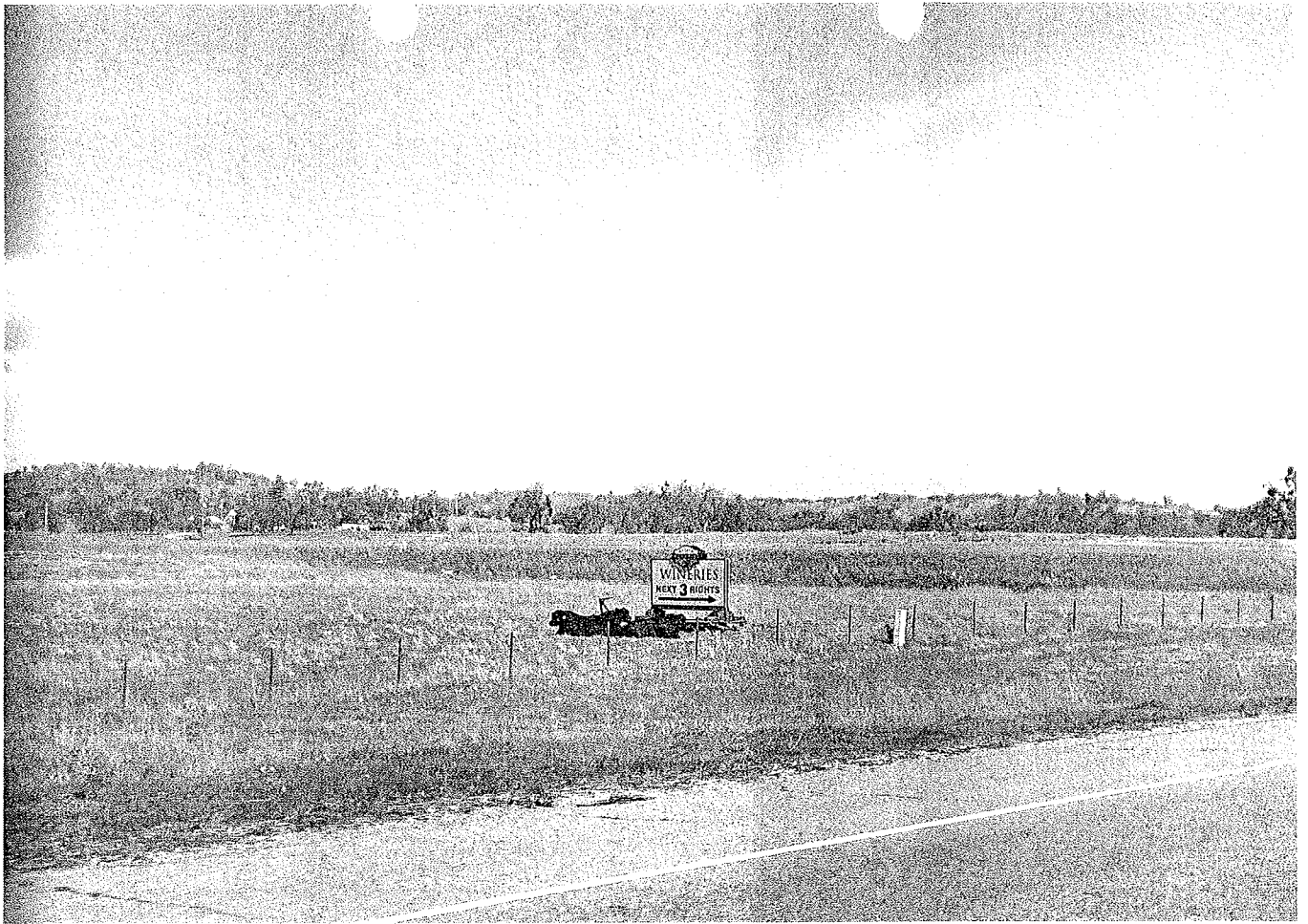
Chairman Byrne suggested looking at the CalTrans Tourist Oriented Directional (TOD) Signs Program. Mr. McMaster stated they have and would qualify for a TOD sign on Hwy 124 but not on Hwy 16.

There was discussion regarding when to continue the meeting; Mr. McMaster was agreeable to April 9, 2013.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and unanimously carried to continue the public hearing to April 9, 2013.

Ms. Grijalva asked the Commission to provide specific direction to the applicant for the revisions they would like to see.

MOTION: It was moved by Commissioner Ryan, seconded by Commissioner Wardall and unanimously carried to direct the applicant to provide the Commission ideas and suggestions as to how to best meet the Commission's stated desires, concerns, thoughts, and recommendations; whether that fits into 30 or 50 square feet; and to have those options available.



3-8-13

**STAFF REPORT TO: AMADOR COUNTY PLANNING COMMISSION
FOR MEETING OF MARCH 12, 2013**

ITEM 2 – Request by West End Consortium for a Use Permit to allow a 150 sq. ft. double-sided off-site quasi-public directional sign pursuant to Amador County Code §19.32.010 J. for several wineries located in the Latrobe, Willow Creek, Hwy 124, and Drytown areas; and a Variance to allow a sign that exceeds the 10 square foot maximum allowed by County Code §19.32.010 J. (APN 008-120-004-000).

APPLICANT: West End Consortium (Mark McMaster, rep.)

SUPERVISORIAL DISTRICT V

LOCATION: On the north side of Hwy 16, east of the DeMartini Rd./Carbondale Rd. intersection in the Plymouth area.

- A. DESCRIPTION & BACKGROUND:** As a result of a code violation, a Use Permit application requesting two double-sided off-site directional signs was submitted to the Planning Department on November 2, 2012. The signs are currently placed on both the north and south sides of Hwy 16 just east of the DeMartini Road/Carbondale Road intersection. The signs are 10' X 20' and 5 X 10' in size, both of which exceed the 10 square foot maximum allowed by County Code §19.32.010.J. Therefore, a variance was also requested to exceed the 10 sq. ft. maximum allowed by County code for off-site quasi-public directional signs.

After conversations with the Outdoor Advertising Section of CalTrans the applicants revised their request to that of one 150 sq. ft. double-sided sign on the north side of Hwy 16 and changed the proposed wording on the sign face to only be directional in nature (see attached sign schematic). This was done so the sign would meet the CalTrans limitations for private directional signs (see attached CalTrans Outdoor Advertising Display permit application).

- B. STAFF RECOMMENDATION:** The originally proposed project (i.e, two signs) was distributed to County Staff (Environmental Health, Public Works, and Building Depts.) and Caltrans Outdoor Advertising for review. Environmental Health had no comments and neither did Public Works as the signs are located along a State Highway.

Planning staff has no technical objection to the placement of a quasi-public directional sign at the proposed location that is consistent with County Code or with that which was recently approved for other wineries in the county (i.e., small increase over the maximum allowed 10 sq. ft.). Staff does not support the request for the variance to exceed the maximum allowable size to the extent of 150 sq. ft. for the following reasons:

- a. The property on which the sign is proposed to be located abuts Hwy 16 and the sign could be located closer to the highway than proposed.

- b. The size of the sign as proposed is larger than what is allowed by County code for an outdoor advertising structure (i.e, billboards are limited to 100 sq. ft. and are restricted as to the zone districts in which they may be located – see attached County Code section 19.32.010 I.).
- c. Staff believes the sign can and should be in keeping with the size of those quasi-public directional signs granted elsewhere for the wineries in the County. The sign proposed in this application is 15 times larger than the 10 sq. ft. allowed by County code therefore the variance requested is not a “minor alteration in land use limitations.” *Note: If the Commission agrees the variance request is not a minor alteration in a land use limitation due to the size of the sign, or for any other reason, the project would not be categorically exempt from CEQA and environmental review would be necessary before approving the project. The matter would need to be continued to allow staff to do the environmental review and prepare the appropriate document for the Commission to consider.*

C. PLANNING COMMISSION ACTION:

Use Permit:

In the event the Commission moves to approve the Use Permit staff recommends the adoption of Finding #1 and, at a minimum, the conditions recommended by staff (attached).

Variance:

If the Planning Commission moves to recommend to the Board of Supervisors approval of a variance to the maximum allowed size for the sign (whether for 150 sq. ft. or some other size), Findings #2 and #3 below are required for adoption pursuant to County Code §19.52.020 and §19.52.040. Finding #4 may be made only if the Commission makes the requisite finding as to the request being a minor alteration in land use limitations as noted above.

1. The granting of the Use Permit is sanctioned by County Code Section 19.32.010 J. (Directional signs of a public or quasi-public nature) and is consistent with County Code Section 19.56.040 (Use Permit Findings) in that the proposed project proposed as conditioned will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood or to the general welfare of the County;
2. The variance does not constitute the granting of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated in that... **(reasons)**;
3. Because of special circumstances **(specify)** applicable to the subject property, the strict application of the requirement for the sign to be no larger than 10 square feet is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

4. A review of the Use Permit and variance was conducted by the Planning Commission which found the project is Categorically Exempt pursuant to Section 15303, Class 3 (New Construction or Conversion of Small Structures) and 15305, Class 5 (Minor Alterations in land use limitations) of the CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder. ***NOTE: This finding may only be made if the Commission specifies reasons the granting of the variance to allow a 150 sq. ft. sign is a minor alteration in land use limitations, otherwise, as "Noted" above the matter must be continued to complete environmental review before bringing the matter back for action.***

PROPOSED

USE PERMIT CONDITIONS OF APPROVAL
FOR
WEST END CONSORTIUM QUASI PUBLIC DIRECTIONAL SIGN

APPLICANT: West End Consortium

ADDRESS: P.O. Box 155
Drytown, CA 95699

PHONE: (209) 245-3500

APN: 008-120-004-000

USE PERMIT NO.: UP-12;11-2

PROJECT DESCRIPTION AND LOCATION: Use permit to allow one 150 sq. ft. double-sided off-site quasi-public directional sign (Amador County Code § 19.32.010 J.) for wineries located in the Latrobe, Willow Creek, Hwy 124, and Drytown areas. A variance from County Code §19.32.010.J to exceed the 10 square foot maximum sign size is also requested. Sign is to be located on the north side of Hwy 16 east of the DeMartini Rd./Carbondale Rd. intersection in the Plymouth area (Gordon Vicini, property owner).

PLANNING COMMISSION APPROVAL DATE:

BOARD OF SUPERVISORS VARIANCE APPROVAL DATE

-
1. *This Use Permit shall not become valid, nor shall the use commence until such time as the Permittee is either found to be in compliance with or has agreed, in writing, to a program of compliance acceptable to the County. At that time the permit shall be signed by the Planning Department and the use may commence. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*
 2. *The issuance of this Use Permit is expressly conditioned upon the permittee's compliance with all the provisions contained herein and if any of the provisions contained herein are violated, this Use Permit may be subject to revocation proceedings as set forth in Amador County Code. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*
 3. *The sign shall be substantially the same as that which is approved (e.g., sign design, colors, size of lettering and location). Any change in the sign face and/or wording shall require the review and approval of Planning staff/Planning Commission (select one). Any substantial changes in the sign will require an amendment to the Use Permit. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.*
 4. Prior to issuance of the Use Permit, permittee shall provide:
 - a. A letter of consent from the property owner for placement of the size and type of sign approved by this Use Permit to be located on the subject property; and

b. A revised agreement between the members of the West End Consortium that reflects the number, type and location of the signage approved by this Use Permit.
THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.

5. Prior to issuance of the Use Permit, the permittee shall obtain any applicable permits from the Building Department. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT IN CONJUNCTION WITH THE BUILDING DEPARTMENT.
6. Prior to issuance of the Use Permit, the permittee shall obtain any applicable permits from the California Department of Transportation (Outdoor Advertising) and shall maintain compliance with the terms of those permits at all times for the duration of this Use Permit. The permit with the California Department of Transportation shall be for a sign that conforms to the sign approved by this Use Permit (i.e., it is the same as to size, height, location, sign copy, etc.). THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT IN CONJUNCTION WITH CALTRANS.
7. Prior to issuance of the Use Permit, all existing unpermitted winery directional sign(s) located along Hwy 16, Willow Creek Rd., Tonzi Rd. and/or Hwy 124 shall be removed. THE PLANNING DEPARTMENT AND THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS SHALL MONITOR THIS REQUIREMENT.
8. The sign shall **not** be illuminated. The sign **may** be double sided. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
9. Pursuant to County Code Section 19.32.010 A.2., the overall height of the sign shall not exceed 20 feet. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
10. This Use Permit shall not be valid unless the variance from County Code Section 19.32.010 J. to allow a sign that exceeds the 10 square foot maximum allowed is approved by the Amador County Board of Supervisors. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
11. The sign shall be maintained in a structurally sound manner and shall not be allowed to deteriorate to a point where it becomes unsightly or hazardous to the traveling public. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT IN CONJUNCTION WITH CALTRANS.
12. No balloons, banners, handbills, bumper stickers, or the like shall be affixed to the signs. THE PLANNING DEPARTMENT SHALL MONITOR THIS REQUIREMENT.
13. This Use Permit shall be valid for a period of five (5) years. Applications for subsequent renewals may be approved by the Planning Commission. THIS REQUIREMENT SHALL BE MONITORED BY THE PLANNING DEPARTMENT.

19.32.010 Regulations.

Signs shall be allowed in the various districts according to the following schedule:

A. General Regulations.

1. Unless otherwise restricted elsewhere in this chapter, all signs shall observe the building setback regulations for the property on which located; shall be no higher than the highest point of the roof line of the building located on the premises, or thirty feet, whichever is lower.
2. In the event there is no building on the property, the maximum height allowed shall be twenty feet.
3. No signs, placards, handbills or bumper stickers shall be affixed to telephone poles, public signs or other advertising structures.
4. All calculations of sign size will be based on calculation of the area of the exterior edge(s) of the entire sign.
5. The size, height, location and general appearance of signs shall be in harmony with the general area, and not constitute a hazard to vehicle or pedestrian traffic.
6. Signs which do not comply with the regulations contained herein may be removed by the county.

I. Outdoor advertising signs and structures, not appurtenant to any use on the premises; nonilluminated; single face only; not more than one hundred square feet in area; not more than twelve feet in height; no closer than seventy-five feet from the centerline of a state highway or county road; no closer than one mile to any other off-premises outdoor advertising structure located on the same side or one-half mile on the opposite side of any state highway or county road; not in addition to the total allowable maximum square footage of any appurtenant sign on the premises; in any H district; not within any officially designated scenic highway corridor; on securing a separate use permit.

1. In addition to the findings required by Section 19.56.040, the commission in granting a use permit for any sign under this section must first find that the size, height and location and general appearance of such sign is in harmony with the general area and does not constitute a hazard to vehicle or pedestrian traffic. To be considered in harmony with an area, such sign shall not rise above any skyline so as to stand out from the natural foreground view of motorists; shall not require substantial removal of native vegetation to be seen by the motoring public; and, shall not have colors which contrast unduly with its surroundings.
2. A use permit granted for such signs and structures under this section shall be valid for a period of not more than five years, and may be renewed de novo, on application to the planning commission as provided in Chapter 19.56 of this title.

J. Directional signs of a public or quasi-public nature; in any district, on securing a use permit therefor. The sign design and size shall be submitted for approval at the time of the use permit application and the commission in granting a use permit for any sign under this section must first find that the size, height and location and general appearance of said sign are in harmony with the general area, and do not constitute a hazard to vehicle or pedestrian traffic but in no case shall said sign exceed ten square feet or be illuminated.

DRYTOWN CELLARS

RECEIVED
Amador County

JAN 25 2013

PLANNING DEPARTMENT

January 24, 2013

Amador County Planning Department
Land Use Agency
810 Court Street
Jackson, CA 95642

Dear Sirs and Madams,

This letter is to request an amendment to our application for West End Consortium signage along the Jackson Highway (State Highway 16), between Carbondale and Willow Creek Roads, as follows:

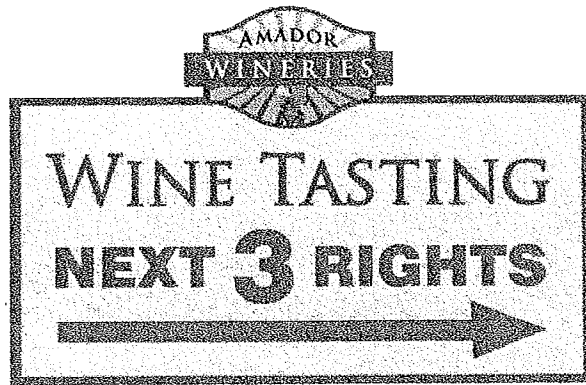
1. Remove request for approval of South Sign
2. Move position of North Sign to the east, so that it meets CalTrans requirement of at least 2000 feet distance from the intersection of Carbondale Road and Jackson Highway, and install as permanent sign.
3. Request variance of size of North Sign to allow a sign of up to 150 square feet (per CalTrans size limitation), per attached mock up. A larger sign will allow us to modify the message on the sign in the event more wineries are developed that could benefit from the sign's placement.

Thank you very much for your consideration.

Sincerely,



Suzanne Kreutzer
West End Consortium



Amended Application for Signage
West End Consortium
North Sign
10'x15'

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION
OUTDOOR ADVERTISING (ODA) DISPLAY PERMIT APPLICATION
 ODA-0002 (REV. 01/2013)

PERSONAL INFORMATION NOTICE:		DO NOT WRITE IN SHADED AREAS					
Pursuant to the Federal Privacy Act (P.L. 93-577) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification to inspect all personal information in any record maintained on the individual by an identifying particular. ADA NOTICE: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 633-3637 or TDD (916) 634-3990 or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.		DISTRICT	COUNTY	ROUTE	POSTMILE	PERMIT NUMBER	
		ROAD / STREET / ADDRESS					
		CSR NUMBER	DATE GRANTED	APPLICATION NUMBER			
		PERMIT ISSUE DATE			PERMIT EXPIRATION DATE		

COMPLETE ALL SECTIONS. ISSUANCE OF A PERMIT WILL BE DELAYED UNLESS ALL ITEMS ARE FILLED IN AND THE PROPER FEES REMITTED. IF APPROVED, A COPY WILL BE RETURNED FOR YOUR RECORDS. www.dot.ca.gov/oda

MAIL TO: DEPARTMENT OF TRANSPORTATION, Division of Traffic Operations, MS-36, ODA Branch, P.O. Box 942874, Sacramento, CA 94274-0001

SECTION 1 - FEES (NO CASH ACCEPTED BY MAIL)
 MAKE CHECK PAYABLE TO: DEPARTMENT OF TRANSPORTATION, OR PROVIDE THE INFORMATION BELOW TO APPLICABLE CREDIT CARD.

APPLICATION (non-refundable).....	<input type="checkbox"/> \$300	PERMIT FEES: 2013 <input type="checkbox"/> 3/0
PENALTY (required if display was placed prior to obtaining permit).....	<input type="checkbox"/> \$100	
PRELIMINARY REVIEW REQUEST (If approved, \$100 will be applied towards the application fee per CA Code of Regulations Section 54866).....	<input checked="" type="checkbox"/> \$200	

TOTAL FEES PAID (Application + Permit Fees) : \$ 200.00

METHOD OF PAYMENT: CHECK NUMBER 2109 VISA MASTERCARD AMERICAN EXPRESS DISCOVER Expiration Date: _____

CHARGE ACCOUNT NUMBER _____ TOTAL FEES CHARGED _____ AUTHORIZED SIGNATURE _____

SECTION 2 - DISPLAY TYPE (CHECK THE APPROPRIATE BOX (ES))

STATIC DISPLAY TRI-VISION/MESSAGE CENTER DISPLAY REDEVELOPMENT DISPLAY PRIVATE DIRECTIONAL DISPLAY PUBLIC DIRECTIONAL DISPLAY

SECTION 3 - APPLICANT

PERMIT APPLICANT (Please print or type name of firm or individual desiring permit)
WEST END CONSORTIUM C/O NUA DAIR VINEYARDS

STREET ADDRESS (CANNOT be a Post Office Box) 13825 WILLOW CREEK ROAD	CITY IONE	STATE CA	ZIP CODE 95640	BUSINESS PHONE NO 916-927-6500
MAILING ADDRESS, IF DIFFERENT (Street Address or P.O. Box) 700 UNIVERSITY AVENUE, SUITE 100	CITY SACRAMENTO	STATE CA	ZIP CODE 95825	

SECTION 4 - PROPERTY

PROPERTY OWNER (Person in control of property upon which display is situated)
VICINI FAMILY INVESTMENTS, LP

ASSESSOR'S PARCEL NO. 0081244	ZONING AGRICULTURAL			
STREET ADDRESS/P.O. BOX P O BOX 206	CITY PLACERVILLE	STATE CA	ZIP CODE 95667	BUSINESS PHONE NO 530-622-1963

SECTION 5 - DISPLAY LOCATION INFORMATION

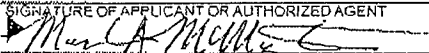
COUNTY NAME **AMADOR** CITY NAME (If Incorporated) _____ (circle) STATE ROUTE NUMBER OR ROAD / STREET NAME **HIGHWAY 16**

FEET / MILES (Circle) **2500 FT** NAME OF NEAREST CROSSROAD, OVER / UNDERPASS **WILLOW CREEK ROAD**

IDENTIFY A BUSINESS ACTIVITY BY NAME THAT IS WITHIN 1,000 FEET OF THE DISPLAY LOCATION **NONE** STREET ADDRESS OF THE BUSINESS ACTIVITY _____

<p>SECTION 6 - DISPLAY CONFIGURATION</p> <p>NOTE: V - Shaped structures are separate displays and require two applications</p> <p>COPY <input type="checkbox"/> ONE SIDE <input checked="" type="checkbox"/> BOTH SIDES <input type="checkbox"/> 1/2 OF A V-SHAPED DISPLAY</p> <p>PANEL: HEIGHT 9' LENGTH 16.7' DISPLAY NUMBER (optional) _____</p> <p>UPRIGHTS: ILLUMINATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO INDICATE FACING N S E W DISTANCE FROM BOTTOM PANEL TO GROUND 4' MATERIAL <input type="checkbox"/> METAL <input checked="" type="checkbox"/> WOOD <input type="checkbox"/> OTHER</p> <p>MESSAGE CENTER: <input type="checkbox"/> ELECTRONIC BOARD <input type="checkbox"/> L.E.D. <input type="checkbox"/> TRI-VISION</p>	<p>SECTION 7 - REQUIRED DOCUMENTS</p> <p>Applications submitted without ALL of the following documents will be returned:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Building Permit (City or County written permission) ** <input checked="" type="checkbox"/> Detailed plot map of the proposed display location <input type="checkbox"/> Evidence of Property Owner's Consent** <input checked="" type="checkbox"/> Assessor's Parcel Map <input type="checkbox"/> Assessor's Property Ownership Information <input type="checkbox"/> Consent of Redevelopment Agency (if applicable) <p>** (NOTE: Not required if submitting a preliminary review)</p> <p>CHECK ONE</p> <ul style="list-style-type: none"> <input type="checkbox"/> An imprint is placed at the location <input type="checkbox"/> An imprint will be placed by: _____ (Date)
--	---

SECTION 8 - SIGNATURE

NAME (Please print) MARK MCMASTER	SIGNATURE OF APPLICANT OR AUTHORIZED AGENT 	BUSINESS PHONE NO 916-927-6500	DATE 1/3/2013
ADDRESS 700 UNIVERSITY AVE #100	CITY SACRAMENTO	STATE CA	ZIP CODE 95825

The applicant hereby agrees to place and maintain the advertising display described above in accordance with the provisions of the Outdoor Advertising Act, State Regulations, and local zoning ordinances. The applicant certifies that the statements made in this application are true, and understands that an incorrect statement of fact may be grounds for permit denial or for permit revocation.

RECEIVED
Amador County

MAR 11 2013

PLANNING DEPARTMENT

March 6, 2013

Amador County Planning Commission
810 Court St.
Jackson, CA 95642-2132

RE: Use Permit and Variance for winery signs on Hwy 16 at Carbondale/De
Martini Rd. Public Hearing, March 12, 2013

Dear Commissioners:

We have owned 5855 Carbondale Rd. for 25 years. The subject advertising sign will be visible from our kitchen window even though it will be almost 1/3 mile distant as the crow flies.

One side of the proposed sign is a "quasi-public" directional sign for multiple, unnamed wineries. The other side of that sign is an offsite advertising sign (small bill board) advertising the Sera Fina Winery. These are two completely different sign categories being portrayed as one directional sign.

The proposed 150 sq. ft. size of each side of the advertising device is 15 times larger than the code allowed 10 sq. ft. for a directional sign. A sign of this size and height is clearly intended to advertise rather than merely to give directions to motorists. To put 150 sq. ft. in perspective, a double car garage door is 25% smaller at 110 sq. ft. and a garage door is far larger an area than is required to give direction. This is a junior sized billboard, pure and simple.

The current two signs (on trailers) in the vicinity are smaller than 150 sq. ft. and yet while not legible from a great distance, they are visible and identifiable as billboards for almost 1/2 mile. These are out of character with the rural nature of this area as are the three billboards (advertising the subdivisions in lone) which are in the vicinity of the existing and proposed winery billboards. Photographs of these billboards are attached to this letter.

We object to the approval of the subject Use Permit and Variance for the following reasons.

Use Permit:

Chapter 19.32.010 A. 1. states that: *"Unless otherwise restricted elsewhere in this chapter, all signs shall observe the building setback regulations for the property on which located..."*

The subject sign does not meet the required setback regulations for the parcel it is intended to be constructed on.

Chapter 19.32.010 I. 1. states that: *"In addition to the findings required by Section 19.56.040, the commission in granting a use permit for any sign under this section must first find that the size, height and location and general appearance of such sign is in harmony with the general area".*

The county is not able to make these required findings. This is a very rural, sparsely signed region of the county and the size, height, location and general appearance of the subject sign is out of harmony with the specific pastoral setting of its particular parcel and immediate neighborhood.

Chapter 19.32.010 J. states that: *"Directional signs of a public or quasi-public nature; in any district, on securing a use permit there for. The sign design and size shall be submitted for approval at the time of the use permit application and the commission in granting a use permit for any sign under this section must first find that the size, height and location and general appearance of said sign are in harmony with the general area, and do not constitute a hazard to vehicle or pedestrian traffic but in no case shall said sign exceed ten square feet or be illuminated."*

The county cannot make the required findings that the size, height and location and general appearance of said sign are in harmony with the general area, and do not constitute a hazard to vehicle or pedestrian traffic. This is a very rural, sparsely signed region of the county and the size, height, location and general appearance of the subject sign is out of harmony with the specific pastoral setting of its particular parcel and immediate neighborhood.

Variance:

Once again, the 150 sq. ft. size of each side of the advertising device is 15 times larger than the code allowed 10 sq. ft. for a directional sign. A sign of this size and height is clearly intended to advertise rather than merely to give directions to motorists. To put 150 sq. ft in perspective, a double car garage door is 25% smaller at 110 sq. ft.

Chapter 19.52.010 states that: *"Where practical difficulties, unnecessary hardships or results inconsistent with the purpose and intent of this title may result from the strict application of certain provisions thereof, variance may be granted..."*

The county cannot make the required findings that practical difficulties, unnecessary hardships or results inconsistent with the purpose and intent of this title may result from the strict application of certain provisions thereof.

Chapter 19.52.020 A. states that: *"any variance granted shall be subject to such conditions as will assure that the adjustment thereof authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situate..."*

A size variance cannot be given because of uniqueness of the message content to be placed on the sign. The county could not give a sign variance to wineries yet deny the same variance to other businesses or other land uses in the county. The county cannot make findings to allow a variance for a sign because of peculiarities or uniqueness attributable to a sign's message or that sign's messenger; this would be the granting of a special privilege not available to other properties and other land users.

Furthermore, other similar properties in the vicinity are limited to the code specified sign size of 10 sq. ft. and allowing a larger sign on this property would be the granting of a special privilege not allowed by right to other like properties in the vicinity; the county cannot make findings to the contrary.

Chapter 19.52.020 B. states that: *“That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification”*. . (Ord. 898 §3, 1982),

There is nothing unique about the size, shape, topography, location or surroundings of the subject property that would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The subject property is flat, has over ½ mile of highly visible frontage on Hwy 16 and a sign can be placed near the Highway with no obstruction to visibility..

The county cannot make the required findings that because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

Chapter 19.52.050 states that *“The board of supervisors shall consider the variance application within sixty days after receipt of the planning commission report and if the board of supervisors finds that the qualifications under Section 19.52.020 apply to the land, building or use for which variance is sought, and that such variance is in harmony with the general purposes of this title, said board shall grant such variance.”*

The board of supervisors cannot make the finding that the qualifications under Section 19.52.020 apply to the land, building or use for which this particular variance is sought and that such variance is in harmony with the general purposes of this title.

CEQA Compliance

Use of the categorical exemption for environmental clearance under CEQA is inappropriate in this instance and constitutes a fatal flaw in the county approval process.. A double faced 150 sq. ft. highway oriented, offsite advertising/directional sign of this size is clearly not the insignificant, ministerial project for which CEQA intends the categorical exemption. As a general rule, private projects such as this, that

require planning commission and or board of supervisor discretionary approval, rise above the level of a categorical exemption in order to satisfy CEQA compliance.

Completeness of the Application


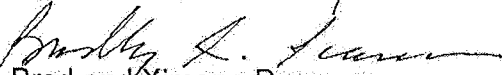
The notice of public hearing materials that were mailed out to neighbors and interested parties have no architectural elevation or specifics of the sign to be erected. The parcel map presented for the sign location has ½ mile of frontage on Hwy 16 yet does not show where on that parcel the sign will be placed. These materials are inadequate for public notification and review.


Recommendation:

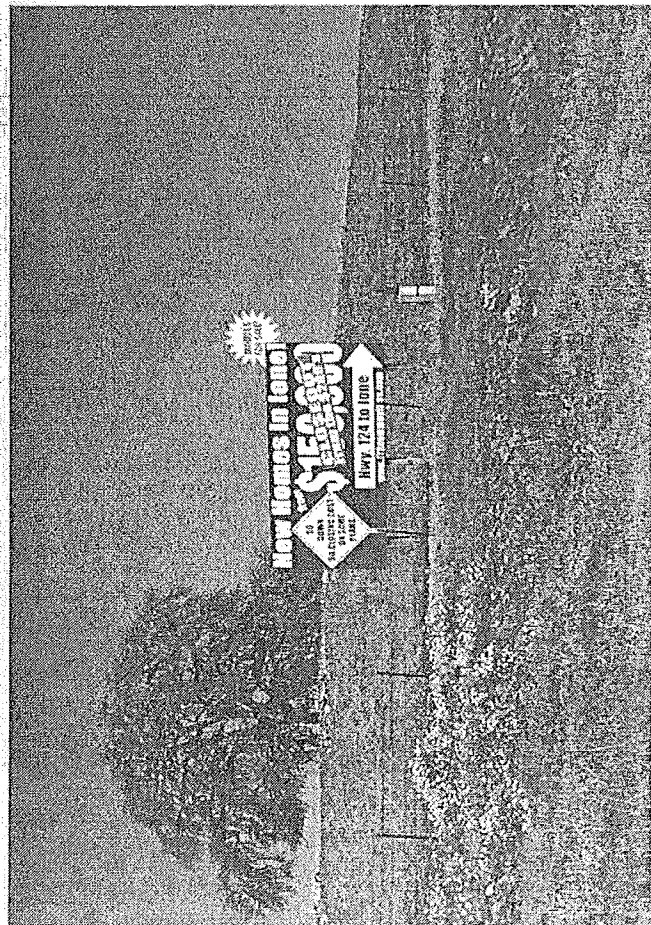
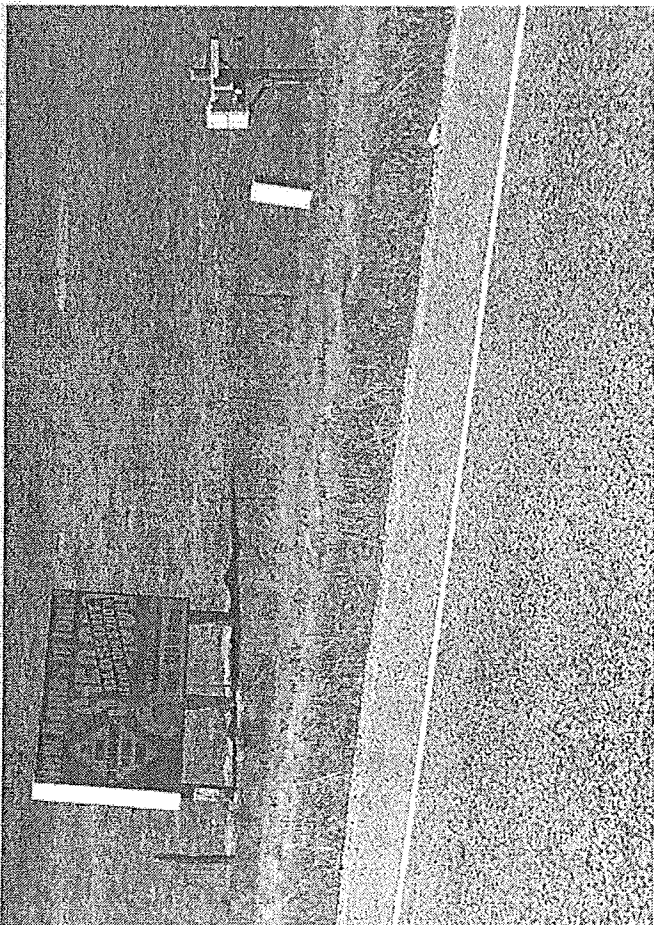
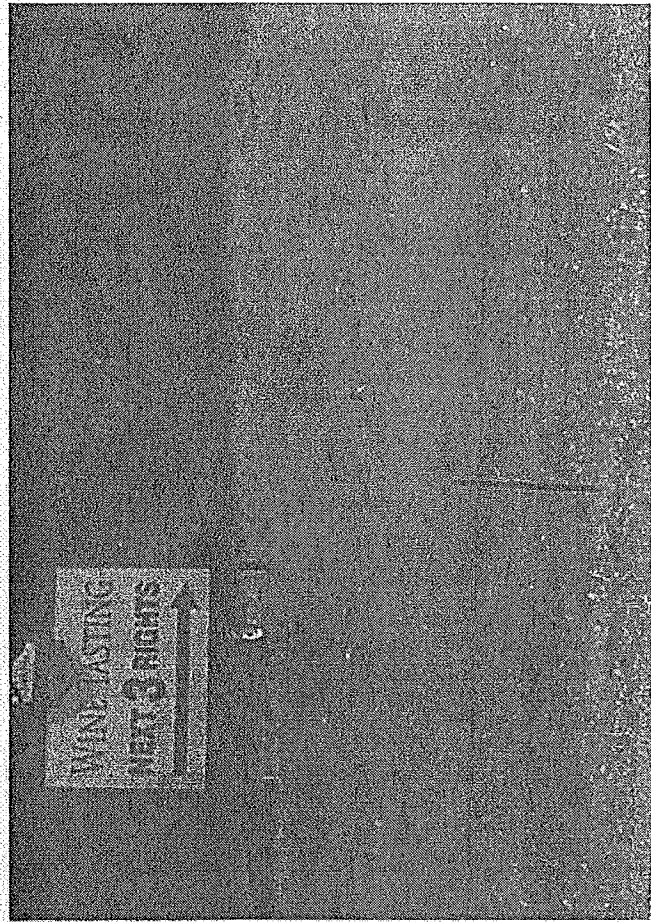
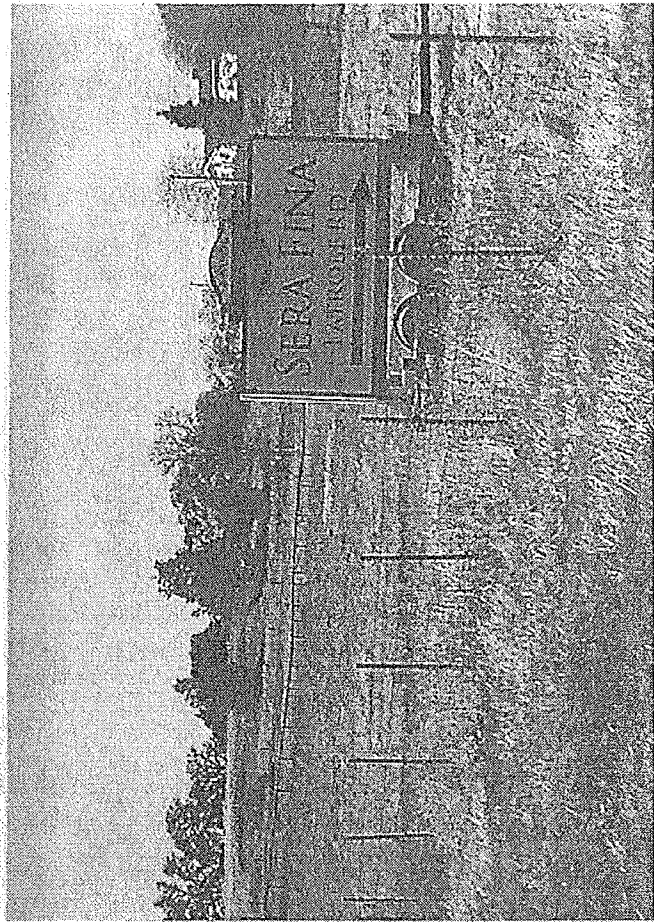
- Deny the subject variance application.
 - Establish a "directional sign" program for the county that applies equally to all land uses and which has guidelines that can be easily followed and will prevent inappropriate permit applications like the subject one from taking up everyone's time.
 - Approve one double sided, unlighted 10 sq. ft. quasi-public directional sign at the subject location that is allowed to identify that there are nearby wineries but that does not display the name of individual wineries. Said sign not to extend more than 10 ft above the finished paved surface of the adjacent highway. This approval to be granted only after the applicant has removed the two "Wine Tasting" and "Sera Fina" mobile signs on both sides of the highway at this location. Said approval to include sufficiently detailed architectural and locational details as to facilitate future code enforcement, should it ever be needed.
-
- Institute a code enforcement investigation of signs along this corridor and start removal proceedings as appropriate. The 3 lone subdivision billboards well as the aforementioned "mobile" signs are particularly intrusive and excessive.

This is a gateway to our county. We need to present as fine an image as possible and a landscape of unorganized and random signs does not present an image of a county or populace that cares about its image.

Thank you for taking our concerns under consideration.



Brad and Ximena Pearson


Attached photos



AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
April 11, 2006	

To: Board of Supervisors

Date: April 4, 2006

From: Richard P. Vinson, Chairman
(Department Head - please type)

Phone Ext. 470

Department Head Signature _____

Agenda Title: Sutter Gold Mine

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to adoption of a Resolution acknowledging Sutter Gold Mine, Wabash Historic Mine 1860, as an asset to the County of Amador.

RECEIVED
Amador County

APR 14 2006

PLANNING DEPARTMENT

Recommendation/Requested Action:
Adoption of resolution. This matter was previously heard by the Land Use and Community Development Committee on 2/9/06.

Fiscal Impacts (attach budget transfer form if appropriate)	Staffing Impacts

Is a 4/5ths vote required? Yes _____ No _____	Contract Attached: Yes _____ No _____ N/A _____
Committee Review? <u>N/A</u>	Resolution Attached: Yes _____ No _____ N/A _____
Name _____	Ordinance Attached: Yes _____ No _____ N/A _____
Committee Recommendation: _____	Comments: _____

Request Reviewed by:

Chairman _____	Counsel _____
Auditor _____	GSA Director _____
CAO _____	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)
Planning Department, Sutter Gold Mine

FOR CLERK USE ONLY

Meeting Date 4/11/06 Time 9:00 Item # 10

Board Action: Approved Yes _____ No _____ Unanimous Vote: Yes _____ No _____

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: Resolution not adopted - sent back to Planning for

Distributed on <u>4/13/06</u> Completed by <u>JR</u>	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. <u>possible CEQA Review.</u> ATTEST: <u>Jeffery Rice</u> Clerk or Deputy Board Clerk
---	---	---

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Boitano, and unanimously carried to approve the deviation with a condition that a deed restriction be attached so that if there is any construction additions onto the subject site, it will be required to pave the sections of the road that are 16% or higher, if there is a change in ownership of the property, it will be required to pave the road and in either scenario, the issues (location and size) with the turn outs will need to be addressed.

Minutes: (2350/1A) Review and approval of the minutes of the Board of Supervisors meeting of April 4, 2006, as presented or revised.

ACTION: Approved pursuant to the following motion:

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Escamilla, and unanimously carried to approve the minutes of the April 4, 2006 Board of Supervisors meeting, as presented.

MISCELLANEOUS MATTERS:

Sutter Gold Mine: (2356/1B) Discussion and possible action relative to adoption of a resolution acknowledging Sutter Gold Mine, Wabash Historic Mine 1860, as an asset to the County of Amador.

At this time, Supervisor Boitano stepped down and out of the Board Chambers due to a potential conflict of interest.

Mr. Steve Fairchild, Sierra Nevada Recreation Corporation, explained that he would like more directional signs throughout our County so that people have an easier time finding the location of the Mine. The Sutter Gold Mine has many visitors from all over the world.

Ms. Susan Grijalva, Planning Director, explained that she has some concerns that she would like to relate to the Board about the potential affects that adopting the subject resolution would have on the County's ability to regulate location of signs advertising the Sutter Gold Mine. If this resolution is adopted acknowledging the Mine as an asset to the County, it provides the basis for the Mine to meet the qualifying criteria in the State Outdoor Advertising Act, that would allow them to issue permits for off sight signs advertising the Mines activities and may not comply with the County sign regulations.

Mr. John Hahn, County Counsel, explained that he had not reviewed this particular item prior to this meeting and had he done so, he would have brought up the fact that this project needs to be reviewed by CEQA to determine what the environmental impacts would be by having signs placed around the County.

ACTION: Approved pursuant to the following motion:

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Escamilla, and unanimously carried to send this item back to the Planning Department for environmental review.

Operation Care: (1738/1B) Discussion and possible action relative to a request for the Board's Certification of Local Approval on the subject organizations annual grant application.

Ms. Lynn Shield, Operation Care, explained that Operation Care has a two year Federal Emergency Shelter grant that was awarded in 2004. This grant is coming up for expiration and Operation Care is requesting approval to apply for this again. This grant covers about 75% of the funding for the 24/7 safe house for victims of domestic violence. It also covers staffing, repairs and maintenance, food, utilities, household supplies and some homeless prevention assistance for battered women.

ACTION: Approved pursuant to the following motion:

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Escamilla, and unanimously carried to approve the Chairman's signature on the certification of local approval for the Operation Care funding document.

Regional Wastewater Plan: (1609/1B) Discussion and possible action relative to a request for Board approval of a letter seeking Federal assistance in the pursuit of the next phase of the subject Plan.

Mr. Patrick Blacklock, County Administrative Officer, explained that the Water Agency is seeking the County's support for their efforts to seek Federal funding for the Regional Wastewater Plan. In the Board's packets, there are three draft letters that may be modified and prepared for the Chairman's signature.

ACTION: Approved pursuant to the following motion:

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Boitano, and unanimously carried to draft letter No. 3 in support of the Regional Wastewater Plan and the Amador Water Agency's request for grant funding.

Property Tax Administration Costs: (1523/1B) Discussion and possible action relative to the potential billing of the cities and special districts for their portion of the subject costs.

Supervisor Boitano advised that Mr. Butch Martin, Sutter Creek Fire Chief, called this morning to inform that he would not be able to make today's meeting, although, he would like to

PLANNING DEPARTMENT
LAND USE AGENCY

500 ARGONAUT LANE • JACKSON, CA 95642-9534 • PHONE (209) 223-6380



MEMO

TO: BOARD OF SUPERVISORS

FROM: SUSAN C. GRIJALVA, PLANNING DIRECTOR *scg*

DATE: APRIL 6, 2006

RE: MISCELLANEOUS MATTERS AGENDA
ITEM NO. 10 – SUTTER GOLD MINE

Having noticed this item on the agenda I have some concerns regarding this requested Resolution and the potential affect it has on the county's ability to regulate the location of signs advertising the mine along state and county roads.

It the Board adopts this resolution acknowledging the mine as an asset to the County it will provide the basis for the mine to meet the qualifying criteria for the State to issue permits for off-site signs advertising the mine's activities that do not comply with our sign ordinance. This was done for the Black Chasm Cave which Mr. Fairchild also operates.

This information is being provided so the Board has a clear understanding of the potential ramifications of their action by adopting this resolution. I am also concerned others will pursue this avenue as a way of circumventing the County's sign ordinance.



Welcome to the online source for California Code of Regulations

4 CA ADC § 2452

4 CCR s 2452

Cal. Admin. Code tit. 4, s 2452

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 4. BUSINESS REGULATIONS
DIVISION 6. OUTDOOR ADVERTISING, DEPARTMENT OF TRANSPORTATION
CHAPTER 4. DIRECTIONAL AND OTHER OFFICIAL SIGNS AND NOTICES
This database is current through 03/31/06, Register 2006, No. 13.

s 2452. Public or Private Directional Sign; Selection Methods and Qualifying Criteria.

(a) Each location for a public or private directional sign must be approved by the Department before placing the directional sign. The Display application and the permit procedures of the Act are used to obtain approval, except application and permit fees are not required for a public or private directional sign expressly excluded from the definition of "Advertising Structure" in Section 5203 or "Sign" in Section 5221 of the Act.

(b) When processing an application to place a public or private directional sign, the following priorities are applied.

(1) First priority is given to a public directional sign.

(2) Second priority is given to a private directional sign. An application for a private directional sign is not processed unless it is accompanied by written confirmation that the activity to be advertised is nationally or regionally known and is of outstanding interest to the traveling public. The confirmation is a letter, resolution, or other official document made by a local public officer, public agency, county board of supervisors, or city council who exercises governmental authority over the area and the sign.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Sections 5250 and 5415, Business and Professions Code. Reference: Sections 5203 and 5221, Business and Professions Code.

HISTORY

1. Renumbering of former section 2452 to section 2451 and renumbering of former section 2455 to section 2452, including amendment of section heading, section and NOTE, filed 9-20-99; operative 10-20-99 (Register 99, No. 39).

4 CA ADC s 2452

END OF DOCUMENT

(C) 2006 Thomson/West. No Claim to Orig. U.S. Govt. Works.

Docs In Sequence Table of Contents

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5405. Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, other than any of the following:

(a) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders and scenic and historical attractions, and which comply with regulations adopted by the director relative to their lighting, size, number, spacing, and any other requirements as may be appropriate to implement this chapter which are consistent with national standards adopted by the United States Secretary of Transportation pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(b) Advertising displays advertising the sale or lease of the property upon which they are located, if all advertising displays within 660 feet of the edge of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251 and 5415.

(c) Advertising displays which advertise the business conducted, services rendered, or goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; and if all advertising displays within 660 feet of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251, 5403, and 5415; and except that no advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent, or moving lights (other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information, or a message center display as defined in subdivision (d)).

(d) (1) Message center displays that comply with all requirements of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of subdivision (b) of Section 5408, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. No message center display may be placed within 1,000 feet of another message center display on the same side of the highway. No message center display may be placed in violation of Section 131 of Title 23 of the United States Code.

(2) Any message center display located beyond 660 feet from the edge of the right-of-way of an interstate or primary highway and permitted by a city, county, or city and county on or before December 31, 1988, is in compliance with Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400) for purposes of this section.

(3) Any message center display legally placed on or before December 31, 1996, which does not conform with this section may continue to be maintained under its existing criteria if it advertises only the business conducted, services rendered, or goods produced or sold upon the property upon which the display is placed.

(4) This subdivision does not prohibit the adoption by a city, county, or city and county of restrictions or prohibitions affecting off-premises message center displays which are equal to or greater than those imposed by this subdivision, if that ordinance or

regulation does not restrict or prohibit on-premises advertising displays, as defined in Chapter 2.5 (commencing with Section 5490).

(e) Advertising displays erected or maintained pursuant to regulations of the director, not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.